



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Law Enforcement Training Commission

Notice of Meeting

The Kansas Law Enforcement Training Commission will meet at 10 a.m. Thursday, January 16, at the Kansas Law Enforcement Training Center, located 12 miles southeast of Hutchinson, south of K-96 at the Hutchinson Air Base Industrial Tract (HABIT), the former Naval Air Station, or 1 mile west and 1 mile south of Yoder. The meeting is open to the public.

Darrell Wilson
Chairperson

Doc. No. 028762

State of Kansas

Hospital Bioterrorism Preparedness
Planning Committee

Notice of Subcommittee Meeting

The Hospitals Liaison Subcommittee of the Kansas Hospital Bioterrorism Preparedness Planning Committee will meet from 10 a.m. to 3 p.m. Wednesday, January 15, at the Kansas Hospital Association, 215 S.E. 8th Ave., Topeka. For further information, contact Tom Sipe at the Kansas Hospital Association, (785) 233-7436.

Gianfranco Pezzino, M.D.
Chair

Doc. No. 028761

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of December 30-January 13. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
January 7	519-S	10:00 a.m.	Joint Committee on State-Tribal Relations	Possible bill introduction. Review of draft reports.
January 13	531-N	10:00 a.m.	Joint Committee on Children's Issues	Agenda not available.

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 028775

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Ron Thornburgh
Secretary of State
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(785) 296-4564
www.kssos.org



Register Office:
1st Floor, Memorial Hall
(785) 296-3489
Fax (785) 368-8024

State of Kansas

Department of Wildlife and Parks

Notice of Grant Opportunities and Deadlines

Kansas nonprofit corporations and local governments may apply to the Kansas Department of Wildlife and Parks for a grant to support wildlife conservation and wildlife conservation education, and a separate grant to support recreational boating safety and recreational boating education efforts. The deadline for all applications is February 7.

Copies of these grant applications may be obtained free of charge by contacting the Kansas Department of Wildlife and Parks, Office of Federal Aid, 1020 S. Kansas Ave, Room 200, Topeka, 66612, (785) 296-2281. Persons with special communication needs may utilize the Kansas Relay Center, 1-800-766-3777.

J. Michael Hayden
Secretary of Wildlife and Parks

Doc. No. 028786

State of Kansas

State Employees Health Care Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10:30 a.m. Tuesday, February 25, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed rule and regulation of the Kansas State Employees Health Care Commission on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Terry Bernatis, Acting Health Benefits Administrator, Department of Administration, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1251. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Faith Loretto at (785) 296-6000 or TTY (785) 296-4798. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of the building, across the street from the north entrance to the building, and on Ninth Street just around the corner from the north entrance.

Summaries of the proposed regulation and its economic impact follow.

K.A.R. 108-1-4 establishes a local unit employee health care benefits component of the state's health care benefits program (the local unit plan). The existing regulation defines the term "local unit employee" as "any individual who is employed by a qualified local unit and who meets the definition of employee under K.S.A. 74-4902 or K.S.A. 74-4952, and amendments thereto." An amendment to this definition is proposed to correct a technical error. The definition of "employee" under both K.S.A. 74-4902 and K.S.A. 74-4952 includes, among other pertinent elements, the requirement that the individual be an appointed or elective officer or employee of a *participating employer*, i.e., an eligible employer who has agreed to make contributions to the Kansas Public Employees Retirement System (KPERS) or Kansas Police & Firemen's Retirement System (KP&F) on behalf of its employees. Not all otherwise eligible counties, townships or cities have elected to participate in KPERS and KP&F. Therefore, the proposed amendment to the definition of "local unit employee" clarifies the eligibility requirements by including any individual employed by a qualified local unit who would otherwise meet the definition of employee under K.S.A. 74-4902 or K.S.A. 74-4952, and amendments thereto, if the qualified local unit was a participating employer.

A similar clarification is proposed with respect to continuation provisions for eligible "direct bill" participants. Among the classes of individuals defined in the existing regulation as eligible to participate in the local unit plan as "direct bill participants" are any retired local unit employees who are receiving state warrants for retirement benefits under KPERS or KP&F and any totally disabled former local unit employees who are receiving disability benefits under KPERS or KP&F. This provision inadvertently excludes individuals whose qualified local unit is providing retirement or disability benefits from a source other than KPERS or KP&F. Therefore, the proposed amendment clarifies that, if the qualified local unit is not a participating employer under either KPERS or KP&F, the individual may qualify to participate on a direct bill basis if the individual is receiving retirement or disability benefits under the retirement or disability plan provided by the qualified local unit.

As the proposed amendments are intended to correct an inadvertent technical error in the regulation as it was originally adopted, the amendments are not anticipated to have an economic impact on the Health Care Commission, other state agencies, qualified local units of government or their employees, or the general public. When K.A.R. 108-1-4 was adopted in August 2002, employment data cited in the original economic impact statement did not distinguish between local units that participate in KPERS and KP&F and those that do not. Therefore, the proposed amendments do not expand the pool of eligible individuals beyond the approximately 35,000 local unit employees originally contemplated when K.A.R. 108-1-4 was adopted.

Copies of the proposed regulation and the associated economic impact statement may be obtained by contacting Terry Bernatis at the address above, (785) 296-6280.

Joyce Glasscock
Secretary of Administration

Doc. No. 028773

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Monday, January 27, in the SRS board room, sixth floor, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of amendments to an existing rule and regulation on a permanent basis effective 15-days after publication in the Kansas Register. Telephone conference will not be available.

This 30-day notice of the public hearing shall constitute a public comment period for the proposed regulation as stated in the 2002 *Session Laws of Kansas*, Chapter 180. All interested parties may submit written comments prior to or during the public hearing to Hope Burns, Office of the Secretary for SRS, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views, but it may be necessary to request each participant to limit any oral presentation to five minutes. Copies of the regulation and the economic impact statement may be obtained by contacting Hope Burns at (785) 296-3969.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Hope Burns or by calling the Kansas Relay Center at 1-800-766-3777.

The adoption of the regulation will take place at 9 a.m. Wednesday, January 29, in the SRS executive conference room, 603-N, Docking State Office Building. Telephone conference will not be available.

Copies of the regulation and the economic impact statement may be obtained by contacting Hope Burns. A summary of the proposed regulation and the economic impact follows:

**Article 5.—PROVIDER PARTICIPATION,
SCOPE OF SERVICES, AND REQUIREMENTS
FOR THE MEDICAID (MEDICAL
ASSISTANCE) PROGRAM**

30-5-64. Prior authorization. This regulation is being amended to make the following changes of pharmaceutical products:

The following Cox 2 inhibitors will be placed on prior authorization: celecoxib, rofecoxib and valdecoxib.

The following intranasal corticosteroids will require prior authorization: budesonide, mometasone, beclomethasone and triamcinolone

The following triptans will be placed on prior authorization: naratriptan, zolmitriptan and almotriptan.

Lansoprazole 30 mg and pantoprazole 40 mg for longer than 60 days therapy will no longer require prior authorization.

Federal Mandate: This regulation change is not federally mandated.

Economic Impact: The change is being made to meet a state budget requirement, as directed by the agency. It is

expected there would be a reduction of costs by \$1,000,000 in 2003 and \$1,500,000 in 2004.

Bearer of Cost: Medicaid recipients.

Affected Parties: Medicaid recipients.

Other Methods: There were no other appropriate methods for the desired outcome.

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 028758

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. January 8, and then publicly opened:

District One—Northeast

District—106 K-9113-01 — Various locations in District 1, 37.7 miles (60.7 kilometers), rumble strips. (State Funds)

Jackson-Shawnee—106 K-9112-01 — Various locations in Jackson and Shawnee counties, seeding and sodding. (State Funds)

Jefferson—44 C-3790-01 — County road 1.5 miles (2.4 kilometers) south and 6 miles (9.7 kilometers) east of Nortonville, 0.09 mile (0.16 kilometer), grading and bridge. (Federal Funds)

Johnson—435-46 K-8711-01 — I-435 bridge over Santa Fe Drive and the Burlington Northern Railroad, bridge replacement. (State Funds)

Leavenworth—5-52 K-8347-01 — Nine Mile Creek and Seven Mile Creek, bridge repair. (State Funds)

Leavenworth—73-52 K-9078-01 — U.S. 73 south entrance to St. Marys College north 0.2 mile (0.3 kilometer), pipe installation and concrete ditch lining. (State Funds)

Lyon—56 K-7994-01 — Peyton Street to Penny Lane on South Avenue in Emporia, 0.4 mile (0.7 kilometer), pavement reconstruction. (State Funds)

Marshall—9-58 K-7727-01 — K-9 from the west city limits of Waterville to the east city limits, 0.6 mile (1 kilometer), curb and gutter. (State Funds)

Pottawatomie—75 C-3814-01 — County road 2.5 miles (4 kilometers) west of Havensville, 0.2 mile (0.3 kilometer), grading, bridge and surfacing. (Federal Funds)

Pottawatomie—63-75 K-8002-01 — Commercial Street from the south city limits to the north city limits in Havensville, 0.4 mile (0.7 kilometer), milling and overlay. (State Funds)

Riley—81 U-1935-01 — Westport Drive and Claflin Road in Manhattan, intersection improvement. (Federal Funds)

Shawnee—24-89 K-8706-01 — U.S. 24 bridges over Old U.S. 75, bridge repair. (State Funds)

Wyandotte—73-105 K-8621-01 — U.S. 73/K-7 and Polfer Road in the City of Kansas City, grading and surfacing. (State Funds)

Wyandotte—35-105 K-6391-02 — I-35 east of Southwest Boulevard northeast to the Kansas-Missouri state line, bridge replacement. (Federal Funds)

Wyandotte—32-105 K-9077-01 — K-32 from the east city limits of Bonner Springs northbound to the K-7 ramp, 0.06 mile (0.1 kilometer), storm sewer and ditch improvement. (State Funds)

District Two—Northcentral

Dickinson—4-21 K-7372-01 — K-4 bridges, 5.3 miles (8.5 kilometers) and 6.9 miles (11 kilometers) east of the Saline-Dickinson county line, bridge replacement. (Federal Funds)

Dickinson—43-21 K-8359-01 — K-43 culverts south of Enterprise, culvert replacement. (State Funds)

District—106 K-9050-01 — Various locations in District 2, 16.4 miles (26.4 kilometers), milling. (State Funds)

Lincoln—14-53 K-7374-01 — K-14 Battle Creek bridge, 7.1 miles (11.5 kilometers) north of the K-18 junction, bridge replacement. (Federal Funds)

Jewell—36-45 K-8005-01 — West of High Street east to Lincoln Street on U.S. 36 in Mankato, 0.24 mile (0.4 kilometer), curb and gutter. (State Funds)

Saline—70-85 K-6778-01 — I-70, 0.4 mile (0.6 kilometer) west of I-135/U.S. 81 east to 0.3 mile (0.5 kilometer) west of County Route 1050, 9.4 miles (15.1 kilometers), pavement reconstruction. (Federal Funds)

District Three—Northwest

District—106 K-9111-01 — Various locations in District 3 on I-70 and U.S. 83, 51.9 miles (83.6 kilometers), rumble strips. (State Funds)

Gove—23A-32 K-8006-01 — K-23A, Third Street to Fourth Street in Grainfield, 0.05 mile (0.08 kilometer), grading and surfacing. (State Funds)

Russell—281-84 K-7337-01 — U.S. 281 Landon Creek and Smoky Hill River, bridge replacement. (Federal Funds)

Russell—70-84 K-8680-01 — Safety rest area on I-70, 2.1 miles (3.4 kilometers) east of the junction of U.S. 281, safety rest area improvement. (State Funds)

District Four—Southeast

Cherokee—7-11 K-7718-01 — K-7 and Bethlehem Road intersection in Columbus, 0.23 mile (0.37 kilometer), intersection improvement. (State Funds)

Crawford—160-19 K-6405-02 — Junction of U.S. 160/K-57/U.S. 69 east to the Kansas-Missouri state line, remediation of underground coal mines. (Federal Funds)

District—106 K-9115-01 — Various locations in District 4, 25 miles (40.3 kilometers), rumble strips. (State Funds)

Greenwood—99-37 K-6818-01 — K-99, Fall River drainage, 11.2 miles (18 kilometers) north of the east junction of U.S. 400, bridge replacement. (Federal Funds)

District Five—Southcentral

District—106 K-5928-03 — Various locations in District 5, 160.2 miles (257.8 kilometers), signing. (State Funds)

District—106 K-9116-01 — Various locations in District 5, 164.6 miles (265 kilometers), rumble strips. (State Funds)

Sedgwick—54-87 K-6398-01 — U.S. 54 from the Kingman-Sedgwick county line least to 0.5 mile (0.8 kilometer) east of K-163, 7.5 miles (12.1 kilometers), pavement reconstruction. (Federal Funds)

Rush—96-83 K-7384-01 — K-96, Walnut Creek Drainage bridge, 0.4 mile (0.7 kilometer) east of the Ness-Rush county line, bridge replacement. (Federal Funds)

District Six—Southwest

District—106 K-9110-01 — Various projects within District 6, 81.7 miles (131.5 kilometers), milling. (State Funds)

Grant—25-34 K-8016-01 — Central Avenue to Nebraska Avenue on K-25 in Ulysses, 0.5 mile (0.8 kilometer), grading and surfacing. (State Funds)

Greeley—27-36 K-6434-01 — K-27 from the north city limits of Tribune north to the Greeley-Wallace county line, 15.9 miles (25.6 kilometers), grading, bridge and surfacing. (Federal Funds)

Morton—27-65 K-8039-01 — Colorado Street to North Street on K-27 in Elkhart, 0.2 mile (0.4 kilometer), grading and surfacing. (State Funds)

Ness—96-68 K-7383-01 — K-96, Walnut Creek drainage bridge 0.3 mile (0.5 kilometer) west of the Ness-Rush county line, bridge replacement. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid.

This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

E. Dean Carlson
Secretary of Transportation

Doc. No. 028755

(Published in the Kansas Register December 26, 2002.)

The Sunflower Foundation: Health Care for Kansans

Notice of Call for Letters of Intent

The Sunflower Foundation: *Health Care for Kansans* announces a funding opportunity designed to support efforts to reduce the prevalence of obesity in Kansas. The organization has issued a call for Letters of Intent to explore diverse approaches and strategies that address obesity prevention, intervention, research, data and information. Following a review of all responses to this call, selected applicants will be invited to submit a full proposal for funding.

Letters of Intent in response to this call must be postmarked not later than January 24. A copy of the call is available through several sources, including:

- A hard copy will be mailed when requested via telephone at (785) 232-3000 or toll-free (866) 232-3020, or via e-mail (mailinglist@sunflowerfoundation.org)
- A copy will be e-mailed when that format is requested (same contact information as above)
- A copy can be downloaded from the foundation's Web site: www.sunflowerfoundation.org

Larry Tobias
Vice President for Programs

Doc. No. 028767

State of Kansas

Attorney General

2002 Update to Guidelines for Takings of Private Property

The following cases contain analysis of issues relating to government takings of privately-owned real property. Pursuant to K.S.A. 77-704 of the Private Property Protection Act, this summary of decisions constitutes the 2002 update to the Attorney General's Guidelines. The original guidelines may be found in Volume 14, Number 51 of the Kansas Register, published December 15, 1995. Annual updates may be found in the Kansas Register at Volume 16, Number 1, published January 2, 1997; Volume 16, Number 52, published December 25, 1997; Volume 17, Number 53, published December 31, 1998; Volume 18, Number 52, published December 30, 1999; Volume 20, No. 1, published January 4, 2001; and Volume 21, No. 1, published January 3, 2002.

Tahoe-Sierra Preservation Council, Inc., v. Tahoe Regional Planning Agency, 535 U.S. 302, 122 S.Ct. 1465, 152 L.Ed.2d 517 (2002).

The United States Supreme Court declined to create a categorical rule for temporary regulatory land-use restrictions, even when such actions deny a property owner all economically viable use of their property. In this case, a 32-month moratorium on development was imposed on property during the government's process of devising a comprehensive land-use plan. The Court stated:

"The text of the Fifth Amendment itself provides a basis for drawing a distinction between physical

takings and regulatory takings. Its plain language requires the payment of compensation whenever the government acquires private property for a public purpose, whether the acquisition is the result of a condemnation proceeding or a physical appropriation. But the Constitution contains no comparable reference to regulations that prohibit a property owner from making certain uses of her private property. Our jurisprudence involving condemnations and physical takings is as old as the Republic and, for the most part, involves the straightforward application of *per se* rules. Our regulatory takings jurisprudence, in contrast, is of more recent vintage and is characterized by 'essentially ad hoc, factual inquiries,' *Penn Central*, 438 U.S., at 124, designed to allow 'careful examination and weighing of all the relevant circumstances.' *Palazzolo*, 533 U.S., at 636 (O'Connor, J., concurring).

....

"This longstanding distinction between acquisitions of property for public use, on the one hand, and regulations prohibiting private uses, on the other, makes it inappropriate to treat cases involving physical takings as controlling precedents for the evaluation of a claim that there has been a 'regulatory taking,' and vice versa. . . . Land-use regulations are ubiquitous and most of them impact property values in some tangential way—often in completely unanticipated ways. Treating them all as *per se* takings would transform government regulation into a luxury few governments could afford." *Tahoe-Sierra Preservation*, 122 S.Ct. at 1478-79 (footnotes omitted).

National Compressed Steel Corporation v. The Unified Government of Wyandotte County/Kansas City, Kansas, 38 P.3d 723 (Kan. 2002).

The Kansas Supreme Court discusses eminent domain and inverse condemnation in this case. In holding the Unified Government exceeded its powers in conducting subsoil testing under the guise of K.S.A. 26-512, the Court stated:

"The power of eminent domain must be exercised in strict accordance with its essential elements in order to protect the constitutional right of the citizen to own and possess property against an unlawful perversion of such right. The power of eminent domain may be exercised only on the occasion and in the mode and manner prescribed by the legislature. Statutes conferring and circumscribing the power of eminent domain must be strictly construed."

Attorney General Opinion No. 2002-24.

Whether a reduction of a water right constitutes a compensable taking depends upon the purpose for which the reduction is made. Without consideration of the purpose for which the reduction is made, no balancing test can be applied to determine whether the taking is compensable.

Carla J. Stovall
Attorney General

Doc. No. 028759

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Fiberglass Engineering, dba Cobalt Boats, has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Fiberglass Engineering, dba Cobalt Boats, owns and operates a facility that manufactures fiberglass boats located at 1701 N. 9th St. and 1101 Illinois, Neodesha.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact William Stone, (785) 296-6427, at the KDHE central office; or Lynelle Stranghoner, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to William Stone, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business January 27.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business January 27 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was im-

practicable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028770

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment is inviting comments regarding a proposed air quality construction permit. The BP America Production Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install a start-up air compressor engine. Emissions of oxides of nitrogen (NOx), carbon monoxide (CO), sulfur oxides (SO₂), particulate matter (PM) and volatile organic compounds (VOCs) were evaluated during the permit review process.

The BP America Production Company owns and operates the natural gas compressor station located at Section 5, Township 30 South, Range 38 West, Grant County, at which the engine is to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact John Irwin, (785) 296-2501, at the KDHE central office; or Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to John Irwin, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business January 27.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business January 27 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028772

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Amoco Production Company - Ulysses North Compressor Station has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Amoco Production Company, Houston, Texas, owns and operates the Ulysses North natural gas compressor station located at Section 17, Township 24 South, Range 36 West, Kearny County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Amer Safadi, (785) 296-1993, at the KDHE central office; or Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Amer Safadi, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business January 27.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business January 27 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity

during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028771

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas
Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-02-329
Application(s) for New or Expansion of Existing
Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Rokey Farms LLC Route 4, Box 252 Sabetha, KS 66534	Allen and Todd Rokey Route 4, Box 252 Sabetha, KS 66534
Legal Description	Receiving Water
SW/4 of Section 29, T01S, R14E, Nemaha County Kansas Permit No. A-MONM-S007	Missouri River Basin

This is an application for a permit for the expansion of an existing swine facility by including 50 head of cattle greater than 700 pounds (50 animal units) and by adding 1,230 head of swine greater than 55 pounds (400 animal units), and adding 184 head of swine 55 pounds or less (18.4 animal units) to the existing 920 head of swine greater than 55 pounds (368 animal units) and 616 head of swine 55 pounds or less (61.6 animal units), for a new total of 990 animal units. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-02-330/339
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Case Roundup Farms c/o Gary Case 2067 E. 12th St. Baxter Springs, KS 66713	SE/4 of Section 06, T35S, R25E, Cherokee County	Neosho River Basin

Kansas Permit No. A-NECK-F010

This is a renewal permit for an existing facility for a maximum of 33,000 head (594 animal units) of turkeys.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the five-year permit cycle.

Solid waste will be stockpiled for subsequent application to agricultural land for beneficial use. Solids storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Cranor Purebreds c/o Steve Cranor 1972 6000 Road Chetopa, KS 67336	NE/4 of Section 27, T34S, R20E, Labette County	Neosho River Basin

Kansas Permit No. A-NELB-S008

This is a renewal permit for an existing facility with a revised animal unit and head count due to changes in the law or method of counting the total maximum capacity for a maximum of 300 head (120 animal units) of swine weighing greater than 55 pounds and a maximum of 240 head (24 animal units) of swine weighing 55 pounds or less.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Dunbar Farms Inc. 3420 Douglas Road Richmond, KS 66080	E/2 of Section 33, T18S, R20E, Franklin County	Marais des Cygnes River Basin

Kansas Permit No. A-MCFR-S022

This is a renewal permit for an existing facility for 760 head (304 animal units) of swine greater than 55 pounds and 300 head (300 animal units) of cattle greater than 700 pounds, for a total of 604 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Eck Bros. Dairy Dean and Darrell Eck, Operators 4582 S.E. Cedar Hills Road Sharon, KS 67138	W/2 of Section 30, T32S, R10W, Barber County	Arkansas River Basin

Kansas Permit No. A-ARBA-M004

This is a renewal permit for an existing facility for 125 head (175 animal units) of mature dairy cattle.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the five-year permit cycle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/

waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Rokey Farms LLC Allen and Todd Rokey Route 4, Box 252 Sabetha, KS 66534	SW/4 of Section 29, T01S, R14E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S007

This is a permit renewal and expansion of an existing facility by including 50 head of cattle greater than 700 pounds (50 animal units) and by adding 1,230 head of swine greater than 55 pounds (400 animal units), and adding 184 head of swine 55 pounds or less (18.4 animal units) to the existing 920 head of swine greater than 55 pounds (368 animal units) and 616 head of swine 55 pounds or less (61.6 animal units), for a new total of 990 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Steinlage Farms Route 1, Box 16 Goff, KS 66428	SW/4 & NE/4 of Section 10, T05S, R13E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-M005

This is a permit renewal and expansion of an existing facility of 120 head (168 animal units) of dairy cows by adding 55 dairy heifers (55 animal units) greater than 700 pounds and 45 dairy heifers (22.5 animal units) 700 pounds or less, for a new total of 245.5 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Taylor Dairy 207 E. Jade Road Phillipsburg, KS 67661	SW/4 of Section 18, & NW/4 of Section 19, T02S, R17W, Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-M003

This is an expansion of an existing facility from 60 head (84 animal units) of mature dairy cows to 150 head (210 animal units) of mature dairy cattle and 75 head (75 animal units) of heifers.

Permeability tests shall be conducted on the earthen wastewater retention structure(s). Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structure(s) into service.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to pursuant to K.A.R. 28-18-12 and 13.

Name and Address of Applicant	Legal Description	Receiving Water
Larry J. Wassenberg 1740 Eagle Road Home, KS 66438	SW/4 of Section 26, T01S, R08E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-B005

This is a permit renewal, expansion and permit number change for an existing facility by eliminating the 70 head of dairy cows and adding 200 head (200 animal units) of cattle greater than 700 pounds, and

(continued)

adding 300 head (150 animal units) of cattle 700 pounds or less, for a new total of 350 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
WR Land Two, L.L.C. (Ranch Site)	NW/4 of Section 10, T26S, R28W,	Upper Arkansas River Basin
Loan Support Team Wells Fargo Bank West, N.A. c/o Curt Boell 1740 Broadway Denver, CO 80274	Gray County	

Kansas Permit No. A-UAGY-B003

This is a modification to the permit for an existing facility. This modification is to separate two facilities that were previously permitted as one. This facility will have a capacity for 999 head (999 animal units) of beef cattle weighing greater than 700 pounds.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the five-year permit cycle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
WR Land Two, L.L.C. Loan Support Team Wells Fargo Bank West, N.A. c/o Curt Boell 1740 Broadway Denver, CO 80274	NW/4 & S/2 of Section 04, & NE/4 of Section 09, T26S, R28W, SW/4 of Section 33, T25S, R28W, Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-C001 Federal Permit No. KS0037541

This is a modification to the permit for an existing facility. This modification is to separate two facilities that were previously permitted as one with a pen density increase with no expansion to the facility. This facility will have capacity for 20,000 head (20,000 animal units) of beef cattle weighing greater than 700 pounds.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the five-year permit cycle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Public Notice No. KS-02-184/185

Name and Address of Applicant	Waterway	Type of Discharge
Bushton, City of P.O. Box 194 Bushton, KS 67427-0194	Cow Creek via Plum Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-AR15-0001 Federal Permit No. KS0022250
Legal: E½, SE¼, NW¼, S11, T18S, R10W, Rice County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring of effluent flow also will be required. The permit require-

ments are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Westphalia, City of City Hall Westphalia, KS 66093	Marais des Cygnes River via Pottawatomie Creek via Cherry Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-MC49-0001 Federal Permit No. KS0082996

Legal: SW¼, S26, T21S, R17E, Anderson County

Facility Description: The proposed action is to reissue a permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring of ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Public Notice No. KS-EG-02-003

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the State of Kansas.

Name and Address of Applicant
Wheatland Electric Cooperative
101 Main St.
Scott City, KS 67871

Well and Permit Number	Location
#1 KS-01-055-003	4810 feet from south line and 3310 feet from east line of SE¼, S13, T24S, R33W, Finney County, KS
#2 KS-01-055-004	4510 feet from south line and 3310 feet from east line of SE¼, S13, T24S, R33W, Finney County, KS
#3 KS-01-055-005	4660 feet from south line and 3310 feet from east line of SE¼, S13, T24S, R33W, Finney County, KS

Facility Description: The proposed action is to issue new permits for three new deep disposal wells. The facility is a water treatment and electric power generation facility. Injection fluids are nonhazardous liquid waste consisting of effluent from reverse osmosis water treatment and cooling tower blow down water. Disposal will be by means of gravity flow.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Glenda Newquist for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before January 25 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-02-329/339,

KS-02-184/185, KS-EG-02-003) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays,
67601-2651, (785) 625-5664

North Central District Office, 2501 Market Place,
Salina, 67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th, Lawrence,
66046-4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (620) 225-0596

South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th, Chanute, 66720,
(620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028776

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. January 6 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, rules of practice and procedure before the commission.

Applications for Abandonment of Certificate of Public Service:

Lawrence Benoit and James K. Lewin, dba B & L Tank Service, 818 N. 3rd, Stockton, KS 67669; MC ID No. 122265

Fralick Trucking, Inc., 11252 108 Road, Dodge City, KS 67801; MC ID No. 159570

Haag Incorporated, 3120 Gage, Topeka, KS 66614; MC ID No. 120697

William Eugene Harper, dba Grain Transport Services, 1511 Ave. H, Dodge City, KS 67801; MC ID No. 159579

Donald R. Hodges, dba Lyons Wrecker Service, 511 Serra, Lyons, KS 67554; MC ID No. 132064

Indian Oil Co., Inc., 2507 S.E. U.S. 160 Hwy., Medicine Lodge, KS 67104; MC ID No. 157410

Jim Weed, Inc., 750 N. Franklin Ave., Colby, KS 67701; MC ID No. 153464

Eldon H. Klaassen, dba E & M Trucking, 2420 W. 51st North, Wichita, KS 67204; MC ID No. 149316

Lady Baltimore Foods, Inc., 1601 Fairfax Trafficway, Kansas City, KS 66117; MC ID No. 111636

Jerry D. Nelson, dba Central Courier Service, 2149 Mars Ave., Salina, KS 67401; MC ID No. 157254

Penske Transportation Services, Inc., 3700 Park E Drive, Cleveland, OH 44101; MC ID No. 118708

R.B. Stucky and N.M. Stucky, dba S & S Dairies, 2056 Cherokee Road, Moundridge, KS 67107; MC ID No. 100319

Application for Certificate of Convenience and Necessity:

Lawrence Cobler, dba Cobler Transportation, 5720 N.W. Topeka, #2, Topeka, KS 66617; MC ID No. 159987; Passengers

Mike J. Hoeme, Director
Transportation Division

Doc. No. 028778

State of Kansas

Wichita State University

Request for Bids

Sealed bids for the following item will be received by the Wichita State University Office of Purchasing, Room 021, Morrison Hall, 1845 Fairmount, Wichita, 67260-0012, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (316) 978-3784 for additional information:

Friday, January 17, 2003

Bid Number 030096-4

Computer Numerical Controlled (CNC) Bedtype
Milling Machine for National Institute for
Aviation Research (N.I.A.R.) Composites Laboratory

Margaret A. Haddock
Interim Director of Purchasing

Doc. No. 028757

State of Kansas

State Corporation Commission

Notice of Motor Carrier Applications

The following motor carriers have filed various applications. All applications listed herein are for statewide authority, unless otherwise stated.

Requests to inspect and copy the notices provided to the parties and questions in regard to these applications should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries, contact Vickie Berg at (785) 271-3225. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike Hoeme, Director of Transportation, at the address above within 10 days of the date of publication of this notice.

Applications for Certificate of Public Service:

Beck, Inc., 501 Frederick, Corning, KS 66417; MC ID No. 159985; Joseph Weiler, Attorney; General commodities (except Classes A and B explosives and household goods)

Ben and Heather Boss, dba Boss Trucking, 24033 Gray Road, Dennis, KS 67341; MC ID No. 159993; General commodities (except household goods)

Ronnie E. Brant, Sr., dba R. Brant Trucking, 1401 S. Grant Ave., Liberal, KS 67901; MC ID No. 152533; General commodities (except household goods)

Clarence Dale Camp, dba Big Hill Services, Route 1, Box 9, Cherryvale, KS 67335; MC ID No. 159997; Wrecked, disabled, repossessed and replacement vehicles

Fastlane Auto Recycling, Inc., 1458 17th Ave., McPherson, KS 67460; MC ID No. 159986; Wrecked, disabled, repossessed and replacement vehicles

Fisher Trucking, Inc., 110 N. Exchange, St. John, KS 67576; MCID No. 159989; General commodities (except household goods and hazardous materials)

Fisher's Rock Products, Inc., dba Fisher's Rocks, 1632 Pony Express, Home, KS 66438; MC ID No. 260157; William Barker, Attorney; General commodities (except household goods and hazardous materials)

Richard Freeman, dba Freeman Trucking, 1657 A Country Side Drive, Liberal, KS 67901; MC ID No. 159988; General commodities (except household goods and hazardous materials)

William Houston, dba Houston Express, 4270 S.E. 69 Hwy., Lathrop, MO 64465; MC ID No. 159957; General commodities (except household goods and hazardous materials)

Tim Joyce, dba Joyce Land and Livestock, 17820 N. Mennonite Road, Garden City, KS 67846; MC ID No. 162261; General commodities (except household goods and hazardous materials)

Abraham Peters, dba Peters Trucking, 107 Moore St., Copeland, KS 67837; MC ID No. 157856; General commodities (except household goods and hazardous materials)

John Pressgrove, dba Direct Delivery, 4630 S.E. 2nd St., Tecumseh, KS 66542; MC ID No. 152139; General commodities (except household goods)

Rene E. Reyes, dba R & L Trucking, 1504 Buffalo Jones, Garden City, KS 67846; MC ID No. 162033; General commodities (except household goods and hazardous materials)

Warren Roady, dba Roady Trucking, 301 S. 6th, Marysville, KS 66508; MC ID No. 159990; William Barker, Attorney; General commodities (except household goods and hazardous materials)

Rountree's Transportation, Inc., 1308 E. 27th Ave., Hutchinson, KS 67502; MC ID No. 241102; General commodities (except household goods and hazardous materials)

Roberto Salcedo, dba Salcedo Trucking, Route 1, Box 108, Moscow, KS 67952; MC ID No. 162286; General commodities (except household goods and hazardous materials)

Michael E. Summervill, dba M & P Trucking, 21380 Kiowa Road, Chanute, KS 66720; MC ID No. 159995; General commodities (except household goods and hazardous materials)

Marvin W. Tilley, dba Affordable Wrecker Service, 701 Ruth Ave., Andover, KS 67002; MC ID No. 159996; William Barker, Attorney; General commodities (except household goods and hazardous materials)

Ruben A. Villatoro, dba R & S Trucking, 701 W. Hamline, Garden City, KS 67846; MC ID No. 159994; General commodities (except household goods and hazardous materials)

Applications for Transfer of Certificate of Public Service:

Wes Rezac, dba Wes Rezac Trucking, 17980 Riverview Road, St. Marys, KS 66536; MC ID No. 129680, to: Wes Rezac Trucking, Inc., 17980 Riverview Road, St. Marys, KS 66536; William Barker, Attorney; Livestock, hay, grain, dry feed, dry feed ingredients, salt, seeds, construction and building materials, fencing materials, machinery and dry fertilizer

Stephen Thiessen, dba Farmer's Repair, 10137 N.W. Indianola Road, Whitewater, KS 67154; MC ID No. 154117, to: Farmers Repair, Inc., 10137 N.W. Indianola Road, Whitewater, KS 67154; General commodities (except household goods and hazardous materials)

Application for Transfer and Extension of Certificate of Public Service:

Roger A. Schulz, dba Schulz Welding Service, 136 N. Main, Canton, KS 67428; MC ID No. 124078, to: Schulz Welding Service, Inc., 136 N. Main, Canton, KS 67428; William Barker, Attorney; General commodities (except household goods and hazardous materials)

Application for Extension of Certificate of Public Service:

Shaw Motor Co., Inc., Hwy. Jct. I-70 & K 23, Grainfield, KS 67737; MC ID No. 150108; General commodities (except household goods)

Mike J. Hoeme, Director
Transportation Division

Doc. No. 028777

(Published in the Kansas Register December 26, 2002.)

Summary Notice of Bond Sale
City of St. John, Kansas
\$138,000
General Obligation Bonds, Series 2003
(General obligation bonds payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated December 17, 2002, written bids will be received by the clerk of the City of St. John, Kansas (the issuer), on behalf of the governing body at 115 E. 4th, P.O. Box 367, St. John, KS 67576, until 7 p.m. January 7, 2003, for the purchase of \$138,000 principal amount of General Obligation Bonds, Series 2003. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$3,000 (or such amount added to \$5,000 or any integral multiple thereof). The bonds will be dated January 1, 2003, and will become due on September 1 in the years as follows:

Year	Principal Amount
2005	\$ 8,000
2006	10,000
2007	10,000
2008	10,000
2009	10,000
2010	10,000
2011	10,000
2012	10,000
2013	10,000
2014	10,000
2015	10,000
2016	10,000
2017	10,000
2018	10,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2004.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$2,760 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and regis-

tered without cost to the successful bidder on or about January 28, 2003, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2002 is \$4,882,728. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$209,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (620) 549-3208, fax (620) 549-6188, e-mail: stjohnd@stjohnks.net; or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Stephen E. Shogren, (316) 264-9351, fax (316) 264-9370, e-mail: shogren@gkbaum.com.

Dated December 17, 2002.

City of St. John, Kansas

Doc. No. 028768

(Published in the Kansas Register December 26, 2002.)

Summary Notice of Bond Sale
Unified School District No. 320
Pottawatomie County, Kansas (Wamego)
\$16,940,000
General Obligation Bonds, Series 2003
(General obligation bonds payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated December 18, 2002, sealed, facsimile and electronic bids will be received by the clerk of Unified School District No. 320, Pottawatomie County, Kansas (Wamego) (the issuer), in the case of sealed and facsimile bids, on behalf of the governing body at 510 E. Highway 24, Wamego, KS 66547, and in the case of electronic bids, through i-Deal's Bid-COMP/PARTY electronic bid submission system, until 2 p.m. January 13, 2003, for the purchase of \$16,940,000 principal amount of General Obligation Bonds, Series 2003. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

(continued)

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated January 15, 2003, and will become due on September 1 in the years as follows:

Year	Principal Amount
2004	\$ 350,000
2005	850,000
2006	1,000,000
2007	1,100,000
2008	1,150,000
2009	1,190,000
2010	1,235,000
2011	1,280,000
2012	1,325,000
2013	1,375,000
2014	1,430,000
2015	1,490,000
2016	1,550,000
2017	1,615,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2004.

Book-Entry-Only System

The bonds will be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Security Bank of Kansas City, Kansas City, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$338,800 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about January 28, 2003, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2002, is \$52,307,568. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$18,090,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, Unified School District No. 320, 510 E. Highway 24, Wamego, KS 66547, (785) 456-7643, fax (785) 456-8125; or from the financial advisor, U.S. Bancorp Piper Jaffray, Inc., 4600 Madison Ave., Suite 1200,

Kansas City, MO 64112-3025, Attention: Greg Vahrenberg, (816) 360-3074, fax (816) 360-3093.

Dated December 18, 2002.

Unified School District No. 320
Pottawatomie County, Kansas (Wamego)

Doc. No. 028774

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Wednesday, January 8, 2003

05767

Statewide—Family Planning Pharmaceuticals, PHS Facilities

05768

Statewide—Family Planning Pharmaceuticals, Non-PHS Facilities

05774

All Agencies of the State of Kansas—Avaya Parts

Friday, January 10, 2003

5696R

Pittsburg State University—Refuse Collection Services

Tuesday, January 14, 2003

05755

Statewide—Office Furniture

Thursday, January 23, 2003

A-9567

Hutchinson Correctional Facility—Sewer System Improvements

Request for Proposals

Friday, January 31, 2003

05772

Title XIX-XXI Eligibility, Administration and Marketing for the Department of Social and Rehabilitation Services

05599

Certification of Capital Formation Companies for the Department of Commerce and Housing

Wednesday, February 12, 2003

05771

Avaya Communications Equipment, Services and System Integration for Various Agencies

John T. Houlihan
Director of Purchases

Doc. No. 028785

(Published in the Kansas Register December 26, 2002.)

**Summary Notice of Bond Sale
Unified School District No. 491
Douglas County, Kansas (Eudora)
\$8,000,000**

**General Obligation Bonds
Series 2003**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the official notice of bond sale and preliminary official statement dated November 21, 2002, sealed, facsimile and electronic bids will be received by the district clerk of Unified School District No. 491 (Eudora), Douglas County, Kansas (the issuer), in the case of sealed and facsimile bids, on behalf of the governing body of the district at the district office, 1002 Elm St., Eudora, KS 66025, and in the case of electronic bids, through Thomson Financial Municipals Group BiDCOMP/PARITY electronic bid submission system, until 4:30 p.m. Thursday, January 9, 2003, for the purchase of \$8,000,000 principal amount of General Obligation Bonds, Series 2003. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated January 1, 2003, and will become due on September 1 in the years as follows:

Year	Principal Amount
2005	\$ 50,000
2006	75,000
2007	105,000
2008	135,000
2009	175,000
2010	210,000
2011	255,000
2012	300,000
2013	355,000
2014	410,000
2015	470,000
2016	535,000
2017	605,000
2018	685,000
2019	765,000
2020	855,000
2021	955,000
2022	1,060,000

The bonds will be subject to optional redemption prior to maturity as provided in the official notice of bond sale and preliminary official statement.

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning September 1, 2003.

Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and bond registrar.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$160,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered to the facilities of the Depository Trust Company, New York, New York, without cost to the successful bidder within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the district for the year 2002 is \$43,111,788. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$20,660,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the district clerk, (785) 542-4910; or from the financial advisor, George K. Baum & Company, 100 N. Main St., Suite 810, Wichita, KS 67202, (316) 264-9351.

Dated November 21, 2002.

Unified School District No. 491
Douglas County, Kansas (Eudora)
Eva S. Deonier, District Clerk
1002 Elm St.
Eudora, KS 66025

Doc. No. 028763

State of Kansas**Kansas Insurance Department****Permanent Administrative
Regulations****Article 1.—GENERAL**

40-1-34. Unfair claims settlement practices. The national association of insurance commissioners' "unfair claims settlement practices model regulation," January 1981 edition, is hereby adopted by reference, subject to the following exceptions:

(a) Section 1 is not adopted.

(continued)

(b) The first sentence of section 2 is not adopted.

(c) In section 2, the phrase "Section 4(9) of the Act" is replaced with the phrase "K.S.A. 40-2404, and amendments thereto."

(d) In section 3, the phrase "Section 2 of the Unfair Trade Practice Act" is replaced with the phrase "K.S.A. 40-2404, and amendments thereto."

(e) Section 8(d) is not adopted.

(f) Section 8 is amended by the addition of the following subsection: "(e) An insurer shall not attempt to settle a loss with a first party claimant on the basis of a cash settlement which is less than the amount the insurer would pay if repairs were made, other than in total loss situations, unless such amount is agreed to by the insured."

(g) Section 8 is further amended by the addition of the following subsection: "(f) If a claim is denied for reasons other than those described in section 8(a) and is made by any other means than writing, an appropriate notation shall be made in the claim file of the insurer."

(h) Section 8 is further amended by the addition of the following subsection: "(g) Insurers shall not fail to settle first party claims on the basis that responsibility for payment should be assumed by others except as may otherwise be provided by policy provisions."

(i) Section 8 is further amended by the addition of the following subsection: "(h) Insurers shall not continue negotiations for settlement of a claim directly with a claimant who is neither an attorney nor represented by an attorney when the claimant's rights may be affected by a statute of limitations or a policy or a contract time limit, without giving the claimant written notice that the time limit may be expiring and may affect the claimant's rights. Such notice shall be given to first party claimants thirty days and to third party claimants sixty days before the date on which such time limit may expire."

(j) Section 8 is further amended by the addition of the following subsection: "(i) No insurer shall make statements which indicate that the rights of a third party claimant may be impaired if a form or release is not completed within a given period of time unless the statement is given for the purpose of notifying the third party claimant of the provision of a statute of limitations."

(k) Section 9(a) is amended by deleting the phrase "first party."

(l) In section 9(a), subsection (1) is amended by replacing the word "insured" with the word "claimant."

(m) In section 9(a), subsection (2) is not adopted by reference and is replaced with the following language: "The insurer may elect to pay a cash settlement, based upon the actual cost, less any deductible provided in the policy, to purchase a comparable automobile including all applicable taxes, license fees and other fees incident to transfer of evidence of ownership of a comparable automobile. Such cost shall be determined by any source or method for determining statistically valid fair market value that meets both of the following criteria:"

"(A) The source or method's database, including nationally recognized automobile evaluation publications, shall provide values for at least eighty-five percent (85%) of all makes and models of private passenger vehicles for

the last fifteen (15) model years taking into account the values for all major options for such vehicles; and"

"(B) the source, method, or publication shall provide fair market values for a comparable automobile based on current data available for the local market area as defined in subsection (j)(2)."

(n) In section 9(a), subsection (3) is not adopted by reference and is replaced with the following language: "When an automobile total loss is settled on a basis which deviates from the methods and criteria described in subsections (a)(1) and (a)(2)(A) and (B) of this section, the deviation must be supported by documentation giving the particulars of the automobile condition and the basis for the deviation. Any deviations from such cost, including deduction for salvage, must be measurable, discernible, itemized and specified as to dollar amount and shall be appropriate in amount. The basis for such settlement shall be fully explained to the claimant."

(o) Section 9 is amended by the addition of the following subsection: "(h) Insurers shall include consideration of applicable taxes, license fees, and other fees incident to transfer of evidence of ownership in third party automobile total losses and shall have sufficient documentation relative to how the settlement was obtained in the claim file. A measure of damages shall be applied which will compensate third party claimants for the reasonable loss sustained as the proximate result of the insured's negligence."

(p) Section 9 is further amended by the addition of the following subsection: "(i) A claimant has the right of recourse if the claimant notifies the insurer, within thirty (30) days after the receipt of the claim draft, that claimant is unable to purchase a comparable automobile for the amount of the claim draft. Upon receipt of this notice, the insurer shall reopen its claim file within five (5) business days, and one of the following actions shall apply:"

"(1) the insurer shall either pay the claimant the difference between the market value as determined by the insurer and the cost of the comparable vehicle of like kind and quality which the claimant has located, or negotiate and effect the purchase of this vehicle for the claimant; or"

"(2) the insurer may elect to offer a replacement in accordance with provisions of subsection 9(a)(1)."

(q) Section 9 is further amended by the addition of the following subsection: "(j) As used in this regulation, the following terms shall have the following meanings:"

"(1) comparable automobile means a vehicle of the same make, model, year, style and condition, including all major options of the claimant vehicle;"

"(2) local market area means the fifty (50) mile area surrounding the place where the claimant vehicle was principally garaged." (Authorized by K.S.A. 40-103, 40-2404a; implementing K.S.A. 2001 Supp. 40-2404; effective May 1, 1981; amended May 1, 1986; amended July 10, 1989; amended Jan. 10, 2003.)

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 028769

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 12-23-02 through 12-29-02

Term	Rate
1-89 days	1.28%
3 months	1.14%
6 months	1.21%
1 year	1.32%
18 months	1.51%
2 years	1.70%

Derl S. Treff
Director of Investments

Doc. No. 028756

State of Kansas

Department of Agriculture
Division of Water ResourcesPermanent Administrative
RegulationsArticle 22.—EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

5-22-2. Well spacing requirements. (a) Except as specified in subsections (d) and (e), the minimum spacing of all nondomestic and nontemporary wells described in an application for permit to appropriate water for beneficial use, an application for a term permit, or application to change the point of diversion shall be the following:

(1) 1,320 feet from all nondomestic wells, groundwater pits, and baseflow nodes; and

(2) 660 feet from all domestic wells.

(b) The minimum spacing interval from the geographic center of a battery of wells to each nondomestic well, groundwater pit, and baseflow node shall be 1,620 feet. The minimum spacing interval from the geographic center of a battery of wells to each domestic well shall be 960 feet.

(c) The minimum spacing interval from the edge of a groundwater pit to each nondomestic well, the edge of any other groundwater pit, and baseflow node shall be 1,320 feet and 330 feet to a domestic well.

(d)(1) In the areas described in the following table, the requirements specified in paragraphs (2), (3), and (4) of this subsection shall apply:

Township	Range	Section	County
23 South	6 West	31, 32 and 33	Reno
23 South	7 West	31 through 36	Reno
24 South	6 West	4 through 9, and 13 through 36	Reno
24 South	7 West	1 through 36	Reno
25 South	5 West	30 and 31	Reno
25 South	6 West	1 through 36	Reno
25 South	7 West	1 through 36	Reno

26 South	5 West	6, 7, and 8; 17 through 21; and 27 through 35	Reno
26 South	6 West	1 through 36	Reno
26 South	7 West	1 through 36	Reno

(2) The minimum spacing of all nondomestic and nontemporary wells with an authorized rate of diversion of 401 gallons per minute or more, as described in an application for permit to appropriate water for beneficial use, term permit, or application to change the point of diversion, shall be the following:

(A) 2,640 feet from all other nondomestic wells, groundwater pits, and baseflow nodes; and

(B) 660 feet from all domestic wells.

(3) The minimum spacing of a battery of wells with a total authorized rate of diversion of 401 gallons per minute or more, as described in an application for permit to appropriate water for beneficial use, term permit, or application to change the point of diversion shall be the following:

(A) 2,940 feet from all nondomestic wells, groundwater pits, and baseflow nodes; and

(B) 960 feet from all domestic wells.

(4) The minimum spacing interval from the edge of a groundwater pit to each nondomestic well, the edge of any other groundwater pit, and baseflow node shall be 1,320 feet. The minimum spacing interval from the edge of a groundwater pit to a domestic well shall be 330 feet.

(e) The following types of wells shall not be subject to this well-spacing regulation:

(1) A standby well;

(2) a bank storage well;

(3) a well authorized pursuant to the approval of an application to change the point of diversion that meets both of the following conditions:

(A) The number of wells comprising the point of diversion remains unchanged; and

(B) each point of diversion is proposed to be relocated 300 feet or less from the currently authorized location;

(4) the minimum spacing interval of nondomestic wells to domestic wells, if the domestic well owner has granted written permission to reduce the spacing interval; and

(5) the minimum spacing interval of groundwater pits to nondomestic, nontemporary, or domestic wells, if the well owner has granted written permission to reduce the spacing interval. (Authorized by and implementing K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5; effective May 1, 1979; amended Oct. 15, 1990; amended March 7, 1994; amended Jan. 10, 2003.)

5-22-4. Metering. (a) Each water flowmeter, gauge, or other measuring device required by the district shall meet the minimum specifications adopted by the chief engineer by regulation.

(b) The owner of the water right or approval of application shall perform the following:

(1) Ensure that the water flowmeter is properly installed in accordance with the specifications adopted by the chief engineer by regulation;

(2) maintain the water flowmeter in satisfactory working condition whenever the diversion works can reasonably be expected to operate; and

(continued)

(3) ensure that the water flowmeter measures all of the discharge from the diversion works and does not measure any other discharge, including tailwater and sewage lagoon effluent. (Authorized by and implementing K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5; effective May 1, 1979; amended Oct. 15, 1990; amended Jan. 10, 2003.)

5-22-4a. Water flowmeter requirement. Each non-domestic, nontemporary well meeting any of the following conditions shall be equipped with a water flowmeter that meets or exceeds the requirements of K.A.R. 5-22-4:

(a) A well operated under the authority of an approval of application issued on or after September 1, 1987;

(b) a well operated under the approval of an application for change in the place of use, the point of diversion, or the use made of the water, or any combination of these, filed after September 1, 1987;

(c) a well that meets the standards for being a standby well as set forth in K.A.R. 5-22-1;

(d) a well for which a certificate of appropriation was issued on or after July 1, 1995; or

(e) a well for which the board determines it is necessary to have a water flowmeter to ensure any of the following:

(1) The accuracy of reported water use;

(2) compliance with the terms, conditions, and limitations of the water right, approval of application, or approval of change; or

(3) nonimpairment of other water rights. (Authorized by and implementing K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5; effective Jan. 10, 2003.)

5-22-5. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1980; amended Oct. 15, 1990; revoked Jan. 10, 2003.)

5-22-12. Application processing requirements and procedures. (a) Except as provided in subsection (c), each application for any of the following shall be subject to the requirements and procedures in subsection (b):

(1) Appropriate water for beneficial use;

(2) change the point of diversion, the use made of water, the place of use, or any combination of these; or

(3) obtain a term permit.

(b)(1) Before final action is taken on an application, a copy of the application shall be submitted by the chief engineer to the district for review and recommendation.

(2) The district staff shall conduct a review of the proposed application. The district staff's recommendation to the chief engineer shall be consistent with the provisions of the Kansas water appropriation act, the groundwater management district act, and the regulations adopted by the chief engineer pursuant to those acts.

(3) Within 15 working days after the date the chief engineer submits the application to the district for review, or any extension of time approved by the chief engineer, the district staff shall submit to the chief engineer its findings and recommendation for approval, denial, or modification of the application and shall specify the basis for the recommendation. At the same time the district submits its recommendation to the chief engineer, the recommendation shall also be served on the applicant and any other parties to the proceedings.

(4) A district staff's findings and recommendation concerning an application may be appealed to the board by the applicant or anyone whose legal rights, duties, privileges, immunities, or other legal interests may be affected by approval, denial, or modification of the application.

(5) The petition for review by the board shall be filed by the party appealing the recommendation with the board within 30 days after the date of the letter sending the findings and recommendations by the staff of the district to the applicant or other party. The petition shall state the basis for the appeal and shall be accompanied by documentation supporting the appeal.

(6) During the appeal, any relevant information or data may be considered by the board, including relevant data and information submitted by a person whose legal rights, duties, privileges, immunities, or other legal interests may be affected by approval, denial, or modification of the application.

(7) After consideration of the appeal, one of the following actions shall be taken by the board:

(A) Remanding the matter to the district staff with instructions for additional investigation; or

(B) notifying the applicant and the chief engineer of the board's final recommendation. The applicant and all other parties shall be notified of the board's decision by certified mail.

(8) Within 15 days after the service of the board's decision on the applicant and any other party, the applicant or any other party may file with the board a written request for reconsideration, which shall state the specific grounds for the request for reconsideration. The petition for reconsideration shall be deemed denied if not acted on by the board within 30 days.

(c) The following shall not be subject to this regulation:

(1) The domestic use of water;

(2) an application for a temporary permit; and

(3) an application to change the point of diversion if both of the following conditions are met:

(A) The point of diversion is proposed to be moved less than 300 feet; and

(B) the point of diversion is not a battery. (Authorized by and implementing K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5; effective Jan. 10, 2003.)

Article 23.—SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3

5-23-6. Water-measuring devices. The diversion works for each nontemporary, nondomestic well located within the boundaries of the district shall be equipped with a water flowmeter that meets or exceeds the specifications in K.A.R. 5-1-4 through 5-1-12.

(a) The owner shall perform the following:

(1) Ensure that the water flowmeter is installed according to specifications in K.A.R. 5-1-4 through 5-1-12;

(2) maintain the water flowmeter in proper working condition whenever the diversion of water for nondomestic use can reasonably be expected to occur; and

(3) promptly initiate action to repair or replace any water flowmeter that is out of compliance, and correct any problems with the installation of a water flowmeter.

(b) The owner shall notify the district, on a form prescribed by the district, within 30 days after any of the following:

- (1) A new water flowmeter is installed.
- (2) A water flowmeter is repaired and reinstalled.
- (3) A water flowmeter is repaired without removing the water flowmeter.
- (4) An improper water flowmeter installation has been corrected.

(c) An extension of time to install a water flowmeter may be granted by the district for a reasonable period of time if just cause is shown to the district. Each appeal shall be filed with the board at least 10 days before a regularly scheduled board meeting. Just cause may include any of the following:

(1) A contract has been signed by the owner and the seller to sell or install the water flowmeter, but the seller cannot complete the sale or installation before diversion of water will take place.

(2) Weather conditions prevent the water flowmeter from being installed before the diversion of water.

(3) Legal proceedings prevent the owner from installing the water flowmeter.

(4) The supply of natural gas to power the well has been cut off by the seller of the natural gas for reasons beyond the control of the owner of the water right.

(d) A water flowmeter shall not be required to be installed if any of the following criteria is met:

(1) A well is authorized to divert 15 acre-feet or less per calendar year.

(2) Two or more wells are authorized by the same water right or approval of application with one authorized annual quantity of water for all the wells, and all of the water diverted by all of the wells is measured by a single water flowmeter prior to its application to beneficial use.

(3) The well is enrolled in a multiyear federal conservation program or the water rights conservation program pursuant to K.A.R. 5-7-4.

(4) The well is registered as inactive with the Kansas department of health and environment.

(5) An affidavit is filed by the owner with the district stating that the well is not, and will not be, operated until a water flowmeter meeting the specifications in K.A.R. 5-1-4 through 5-1-12 is properly installed. Thirty days before operating the well, the owner shall file a notice with the district indicating that a water flowmeter has been installed and indicate when the owner proposes to begin the diversion of water. (Authorized by and implementing K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5; effective May 1, 1981; amended May 1, 1985; amended Jan. 10, 2003.)

Article 24.—NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 4

5-24-5. Allowable appropriation—reasonable use.

(a) The maximum reasonable annual quantity of water for irrigation use shall not exceed the standards adopted in K.A.R. 5-3-19, K.A.R. 5-3-20, K.A.R. 5-3-21, K.A.R. 5-3-23, and K.A.R. 5-3-24.

(b) The annual quantity of water deemed reasonable on an application for municipal use shall be determined using the following criteria:

(1) The annual quantity of water needed for residential use shall be based on a population projection for the ensuing 20 years. The projected population shall be determined by extending present population for 20 years at one and one-half percent per year increase.

(2) The total quantity of water reasonable for the residential population shall then be determined by the following:

(A) Multiplying the projected population by the current per capita use; and

(B) adding a reasonable quantity of water for the present and projected industrial use for the ensuing 20-year period.

(3) Municipalities may purchase, condemn, or otherwise acquire existing water rights in excess of the quantities set forth in paragraphs (b) (1) and (2) and apply to the chief engineer to change a reasonable quantity of the acquired water rights for municipal use, which shall not exceed 200 percent of the quantity considered reasonable pursuant to paragraphs (b)(1) and (2).

(c) The quantities of water deemed to be reasonable for livestock and poultry shall be determined pursuant to K.A.R. 5-3-22.

(d) All applications for any other type of beneficial use shall be reviewed to determine if the annual quantity of water and rate of diversion requested are reasonable for the intended use based on the best information available. (Authorized by K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5, and K.S.A. 82a-706a; implementing K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5; effective May 1, 1983; amended Aug. 19, 1991; amended Jan. 10, 2003.)

5-24-7. Well construction criteria. (a) Each non-domestic well that is not subject to regulation under the Kansas chemigation safety law, K.S.A. 2-3301 et seq., and amendments thereto, and that is completed after May 1, 1983 shall include the installation of a check valve that meets or exceeds specifications adopted by the chief engineer which were in effect at the time the well was completed.

(b) All wells, including domestic wells, to be completed in a cretaceous aquifer shall be constructed in a manner that prevents the cretaceous aquifer from mixing with all quaternary, tertiary, and any other cretaceous water-bearing strata that have no natural hydraulic connection between the formation or formations in which the well will be screened. (Authorized by and implementing K.S.A. 82a-1028; effective May 1, 1983; amended Jan. 10, 2003.)

5-24-8. Resource development plans. (a) A resource development plan may be required by the district to be submitted for any of the following:

(1) A new application to appropriate water for irrigation use;

(2) a nonemergency application to change the place of use or the use made of water from irrigation to another type of use that involves an actual physical change in operation; or

(3) a new application to appropriate water for non-irrigation purposes if one of the following criteria is met:

(continued)

- (A) The quantity of water requested is unreasonable.
- (B) The proposed beneficial use will be inefficient.
- (C) The proposed operation may result in a waste of water.

(D) The owner or operator has a recent history of violating provisions of the Kansas water appropriation act or regulations adopted pursuant to that act.

(b) Each resource development plan shall include a description of the proposed operation, including the diversion works, the distribution system, and all other matters necessary to determine whether the proposed annual quantity of water will be reasonable and not wasteful.

(c)(1) The applicant shall be notified by the district whenever an applicant is required to submit a resource development plan. This notification shall include the deadline for submitting the plan. The district shall then review the plan and submit it to the chief engineer with one of the following recommendations:

(A) The application should be approved because the proposed plan meets the regulatory requirements, and those portions of the plan consistent with the conservation plan guidelines adopted by the Kansas water office should be required as a conservation plan as a condition of the approval of application.

(B) The application should be approved if certain changes are made to the plan, and the amended plan should be required as a condition of the approval of application insofar as it is consistent with the water conservation planning guidelines adopted by the Kansas water office.

(C) The plan does not meet the regulatory requirements, and the application should not be approved.

(2) Each water conservation plan required by the chief engineer as a condition of the chief engineer's approval shall be fully implemented before diversion of water pursuant to that approval of application. After the plan is implemented, the owner shall maintain the plan in a satisfactory manner.

(d) In addition to meeting the requirements specified in subsection (b), for irrigation use, the resource development plan shall meet the following requirements:

(1) Include irrigation system design, tailwater control methods, well yield, and cropping patterns; and

(2) comply with design criteria meeting the following requirements:

(A) Are set forth in the national engineering handbook (NEH), part 652, irrigation guide, dated November 13, 1997, as amended through September 1, 2002, which contains the KS652.0980 state supplement, as amended through September 1, 2002; and

(B) are consistent with the "irrigation water conservation program for the state of Kansas," published by the Kansas water office in November 1993 and hereby adopted by reference.

(e) For municipal use, the plan shall comply with the "Kansas 1990 municipal water conservation plan guidelines," second edition, which is published by the Kansas water office and hereby adopted by reference.

(f) In addition to meeting the requirements specified in subsection (b), for all other types of beneficial use, the resource development plan shall include a description of the proposed use of water in sufficient detail to determine

if it is reasonable and not wasteful. (Authorized by K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5 and K.S.A. 82a-706a; implementing K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5 and K.S.A. 2001 Supp. 82a-1903, as amended by L. 2002, Ch. 137, § 7; effective Jan. 10, 2003.)

5-24-9. Water flowmeters. (a) Each of the following types of wells shall be equipped with a water flowmeter meeting the water flowmeter and installation specifications in K.A.R. 5-1-4 through K.A.R. 5-1-12 at the time the well is permitted:

(1) Any nondomestic, nontemporary well permitted or drilled after May 1, 1980;

(2) any nondomestic, nontemporary well actually drilled after May 1, 1980 pursuant to an approval of an application for a change in point of diversion; and

(3) any well reduced in annual quantity of water authorized in order to allow approval of another application pursuant to K.A.R. 5-24-2.

(b) In addition to meeting the requirements of this regulation, each owner shall meet the requirements specified in K.A.R. 5-3-5e. (Authorized by K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5, and K.S.A. 82a-706a; implementing K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5, and K.S.A. 2001 Supp. 82a-1903, as amended by L. 2002, Ch. 137, § 7; effective Jan. 10, 2003.)

5-24-10. Exemptions for up to 15 acre-feet of groundwater. (a) In any area of the district that is subject to safe yield criteria and is not closed by specific regulation or intensive groundwater use control area order by the chief engineer to new nondomestic, nontemporary permits and term permits for five or fewer years, applications to appropriate groundwater shall be exempt from meeting the safe yield criteria if all the following conditions are met:

(1) The sum of the annual quantity requested by the proposed appropriation and the total annual quantities authorized by prior permits allowed because of an exemption pursuant to this regulation does not exceed 15 acre-feet in a one-mile-radius circle surrounding the proposed point of diversion.

(2) Well spacing criteria have been met.

(3) The approval of the application does not authorize an additional quantity of water out of an existing authorized well with a nondomestic permit or water right that would result in a total combined annual quantity of water authorized from that well in excess of 15 acre-feet.

(4) The approval of the application does not authorize an additional quantity of water to be used on a currently authorized nondomestic place of use.

(b) After the use of up to 15 acre-feet has been approved pursuant to this regulation, no application for change shall be approved for any quantity of water that would authorize the water to be diverted from a currently authorized point of diversion or onto a currently authorized place of use. (Authorized by K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5, and K.S.A. 82a-706a; implementing K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5; effective Jan. 10, 2003.)

Jamie Clover Adams
Secretary of Agriculture

Doc. No. 028766

State of Kansas

Board of Healing Arts

Permanent Administrative
Regulations

Article 49.—PODIATRY

100-49-1. Approved schools of podiatry. A school of podiatry shall be deemed by the board to be in good standing if it meets the provisions of CPME 120, "standards and requirements for accrediting colleges of podiatric medicine," revised November 1997 by the council on podiatric medical education and hereby adopted by reference. (Authorized by K.S.A. 65-2013; implementing K.S.A. 65-2003; effective May 1, 1980; amended Jan. 10, 2003.)

100-49-6. Education requirements. (a) Each applicant for a license to practice podiatry shall provide proof of successful completion of a minimum of one year in an approved podiatric residency program. An approved podiatric residency program shall be a program that meets the requirements of or is substantially equivalent to CPME 320, "standards, requirements and guidelines for approval of residencies in podiatric medicine," approved by the council on podiatric medical education, effective July 1, 2002, and hereby adopted by reference.

(b) Each applicant who does not meet the requirements of subsection (a) shall be deemed to have completed acceptable postgraduate training if the applicant meets one of the following:

(1) The applicant has been in the continuous practice of podiatry for a minimum of 10 years before the date of submission of the application.

(2) The applicant is currently certified by a specialty board meeting the requirements of CPME 220, "criteria and guidelines for recognition of a specialty board for podiatric medical practice," effective January 1, 2001, approved by the council on podiatric medical education, and hereby adopted by reference. (Authorized by K.S.A. 65-2013; implementing K.S.A. 65-2003; effective Jan. 10, 2003.)

100-49-7. Examinations. (a) Each applicant for licensure as a podiatrist shall submit proof of having passed a nationally administered, standardized examination that is approved by the board and consists of written questions assessing knowledge on subject matter from the following content areas:

(1) Medicine, including podiatric and non-podiatric dermatology, podiatric vascular medicine, podiatric neurology, immunology, emergency medicine, cardiovascular medicine, neurology, respiratory medicine, metabolic and endocrine medicine, hematology, behavioral medicine, and rheumatology;

(2) orthopedics, biomechanics, and sports medicine;

(3) surgery, general anesthesia, regional anesthesia, intravenous sedation, and hospital protocol; and

(4) radiology.

(b) In order to qualify as board-approved, part III of PMLexis, as administered by the national board of podiatric medical examiners, shall meet the standards for an examination established by the board in this regulation.

(c) To pass the approved examination, each applicant for licensure shall obtain a criterion-referenced score of at least 75.

(d) Each applicant for licensure by endorsement shall show proof of successful completion of any examinations that met the Kansas requirements for licensure by examination at the time the applicant completed the examinations. (Authorized by K.S.A. 65-2013; implementing K.S.A. 65-2003 and K.S.A. 65-2004; effective Jan. 10, 2003.)

100-49-8. Continuing education. (a) Every three years, each podiatrist shall submit, before or with the application for renewal, evidence of having completed a minimum of 54 hours of continuing education during the preceding three-year period.

(b) Any podiatrist who suffered an illness or injury that made it impossible or extremely difficult to reasonably obtain the required hours may be granted an extension of not more than six months.

(c) Continuing education shall be acquired from any of the following:

(1) Courses offered by sponsors of continuing education in podiatric medicine and meeting the requirements of CPME 720, "standards, requirements, and guidelines for approval of sponsors of continuing education in podiatric medicine," revised May 1999 by the council on podiatric medical education and hereby adopted by reference;

(2) courses and instructional media approved for category I by the American medical association;

(3) courses and instructional media approved for category I by the American osteopathic association; or

(4) other courses approved by the board.

(d) Each applicant desiring to reinstate a license that has been canceled for failure to renew and each exempt licensee desiring to apply for a license to regularly engage in the practice of podiatry shall submit proof of continuing education to the board as follows:

(1) If the time since the license was canceled or exempt has been one year or less, no continuing education in addition to that which would have been necessary had the license been renewed before cancellation or not exempt shall be required.

(2) If the time since the license was canceled or exempt has been more than one year, the applicant shall complete a program of continuing education recommended by the board.

(e) If, since the date the license was canceled or exempt, the applicant has been in active practice as a podiatrist in another state or jurisdiction, the applicant shall submit proof of the current license and proof of compliance with the continuing education requirements of that jurisdiction.

(f) Each applicant seeking reinstatement of a revoked license shall successfully complete an individually tailored program approved by the board. (Authorized by K.S.A. 65-2013; implementing K.S.A. 65-2010; effective Jan. 10, 2003.)

100-49-9. Additional requirements. In addition to meeting the requirements of this article, each podiatrist shall also meet the requirements of each of the following:

(continued)

(a) K.A.R. 100-10a-1;
 (b) K.A.R. 100-10a-2;
 (c) K.A.R. 100-10a-3;
 (d) K.A.R. 100-10a-4;
 (e) K.A.R. 100-10a-6;
 (f) K.A.R. 100-21-1;
 (g) K.A.R. 100-21-2;
 (h) K.A.R. 100-21-3;
 (i) K.A.R. 100-21-4;
 (j) K.A.R. 100-21-5;
 (k) K.A.R. 100-22-1;
 (l) K.A.R. 100-22-2;
 (m) K.A.R. 100-22-3;
 (n) K.A.R. 100-24-1;
 (o) K.A.R. 100-24-2;
 (p) K.A.R. 100-24-3; and
 (q) K.A.R. 100-26-1. (Authorized by K.S.A. 65-2013; implementing K.S.A. 2001 Supp. 65-2002, K.S.A. 65-2005, K.S.A. 2001 Supp. 65-2006; effective Jan. 10, 2003.)

Article 54.—OCCUPATIONAL THERAPY

100-54-4. Fees. The following fees shall be collected by the board:

(a) Application for registration	\$80.00
(b) registration renewal	\$70.00
(c) registration late renewal	\$75.00
(d) registration reinstatement	\$80.00
(e) certified copy of registration	\$15.00
(f) temporary registration	\$25.00

(Authorized by K.S.A. 65-5405, as amended by L. 2002, Ch. 203, Sec. 5; implementing K.S.A. 2001 Supp. 65-5409, as amended by L. 2002, Ch. 203, Sec. 9; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended, T-100-10-17-89, Oct. 17, 1989; amended Feb. 5, 1990; amended May 1, 1998; amended Sept. 29, 2000; amended Jan. 10, 2003.)

Article 55.—RESPIRATORY THERAPY

100-55-4. Fees. The following fees shall be collected by the board:

(a) Application for a license	\$80.00
(b) license renewal	\$70.00
(c) license late renewal	\$75.00
(d) license reinstatement	\$80.00
(e) certified copy of license	\$15.00
(f) special permit	\$15.00
(g) temporary license	\$25.00

(Authorized by K.S.A. 2001 Supp. 65-5505; implementing K.S.A. 2001 Supp. 65-5509; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended, T-100-10-17-89, Oct. 17, 1989; amended Feb. 5, 1990; amended Jan. 3, 1997; amended May 1, 1998; amended June 30, 2000; amended Sept. 29, 2000; amended Jan. 10, 2003.)

Lawrence T. Buening, Jr.
 Executive Director

Doc. No. 028765

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 4.—MATERNAL AND CHILD HEALTH SCHOOL-AGE PROGRAMS

28-4-576. Definitions. (a) "Academic credit hour" means credit earned for coursework through an accredited postsecondary educational institution.

(b) "Administrative order" means an order that is issued by the secretary as specified in K.S.A. 65-501 et seq., and amendments thereto, and that is subject to the Kansas administrative procedures act.

(c) "Administrator" means the staff member who is responsible for the general and fiscal management of the program.

(d) "Adult responsible for a child or youth" means any of the following adults who is other than the child's or youth's legal parent and who is responsible for the care and upbringing of the child or youth:

- (1) A stepparent;
- (2) a grandparent;
- (3) another relative; or
- (4) a foster parent.

(e) "Animal" means any living creature, other than a human being, that has the ability to move voluntarily and shall include mammals, rodents, fish, reptiles, insects, spiders, and birds.

(f) "Annual renewal date" means the date assigned to each licensee for the submission of the documents required to renew the license and payment of the annual license fee.

(g) "Applicant" means any person who has submitted an initial application for a license to operate a school-age program but has not received a temporary permit or license.

(h) "Available space for activities" means the indoor and outdoor space on the premises that is used by children and youth during the hours of operation in carrying out the program of activities. The following shall not be counted as available space for activities:

- (1) Kitchens;
- (2) rest rooms;
- (3) hallways and passageways;
- (4) storage areas;
- (5) offices;
- (6) teacher or employee lounges and workrooms; and
- (7) any other space not used by the children or youth for activities.

(i) "Basement" means an area with a floor level more than 30 inches below ground level on all four sides.

(j) "Building" means a structure used for shelter that has a roof and is enclosed by walls on all sides.

(k) "Child or youth with special needs" means a child or youth who requires specialized programs, services, interventions, or technologies while attending the program, due to any of the following conditions:

- (1) A developmental disability;

- (2) mental retardation;
- (3) mental illness;
- (4) an emotional or behavioral difficulty;
- (5) sensory or motor impairment; or
- (6) a chronic illness.

(l) "Day reporting program" means a program that provides specialized services designed to enable juvenile offenders 10 years of age and older to remain offense-free while living in the community.

(m) "Department" means the Kansas department of health and environment.

(n) "Drop-in program" means a school-age program in which the operator permits children and youth to arrive at and depart from the program at their own volition and at unscheduled times.

(o) "Group" means a limited number of children or youth assigned to a staff member or team of staff members.

(p) "High-risk sport or recreational activity" means a sport or recreational activity that poses a significant risk of injury to the participant. Safe participation in the activity shall require specialized instruction and may require protective safety gear.

(q) "Individualized program plan" and "IPP" mean a written, goal-oriented plan of specialized services for each child or youth with special needs or for each juvenile offender attending a day reporting program. Each operator shall ensure that the IPP assigns responsibility for the delivery of the specialized services.

(r) "Job-related experience" means experience approved by the secretary that includes teaching, working, and volunteering with school-age children and youth.

(s) "Kindergarten-age child" means a child who is attending kindergarten or who has completed kindergarten and has not entered first grade.

(t) "License" means the document issued by the secretary that authorizes a person to operate a school-age program.

(u) "License capacity" means the maximum number of children or youth, or both, authorized by the temporary permit or license to attend the program at any one time.

(v) "Meal" means breakfast, lunch, or dinner.

(w) "Mobile summer program" means a program that operates only during the summer months. Children and youth meet at a designated pick-up and drop-off site, and are transported daily to locations off the premises for program activities.

(x) "National organization" means an organization that an operator of a school-age program is affiliated with and that sets national standards for the operation of school-age programs.

(y) "Notice of survey findings" means a written record documenting the results of an inspection or investigation conducted by the secretary's designee to determine compliance with applicable statutes and regulations.

(z) "Operator" means a person who holds a temporary permit or license to conduct a school-age program.

(aa) "Outdoor summer camp" means a program that operates only during the summer months and is conducted at an outdoor location for the duration of the program.

(bb) "Premises" means the location, including the building or buildings and adjoining grounds, for which the operator has a temporary permit or license to conduct a school-age program.

(cc) "Professional development training" means training approved by the secretary that is related to working with school-age children and youth.

(dd) "Program director" means the staff member who is approved by the secretary as meeting the qualifications specified in K.A.R. 28-4-587 and who is responsible for implementing and supervising the program of activities.

(ee) "Program director designee" means the staff member whom the operator designates to conduct the program in the temporary absence of the program director for a period not to exceed two consecutive weeks, or at the beginning and end of any day that exceeds eight hours.

(ff) "Program of activities" means a comprehensive and coordinated plan of activities that meets the following criteria:

(1) Promotes cognitive, emotional, social, and physical development;

(2) supports the well-being of each child or youth; and

(3) protects the safety of each child and youth in attendance.

(gg) "Public recreation center" means any building used by a political or taxing subdivision of this state, or by an agency of a state subdivision, for recreation programs that serve children and youth.

(hh) "Regularly volunteering" means working in a program on a recurring basis and without compensation. This term shall not apply to guest speakers and to persons who make one or more presentations on a specific subject.

(ii) "School-age child" and "child" mean an individual who is of kindergarten age through the academic year in which the child is in the sixth grade and who is attending the program. Each school-age child shall be included in the license capacity.

(jj) "School-age program" and "program" mean a child care facility that serves exclusively school-age children and youth.

(kk) "School-age youth" and "youth" mean an individual who meets the following conditions:

(1) Has completed sixth grade or is 12 years of age or older;

(2) is less than 18 years of age;

(3) is attending the program; and

(4) is not a volunteer or employee.

Each school-age youth shall be included in the license capacity.

(ll) "Secretary" means the secretary of the Kansas department of health and environment.

(mm) "Secretary's designee" means the person designated by the secretary to assess compliance with program regulations.

(nn) "Snack" means supplemental food served between meals.

(oo) "Specialized services" means additional services provided by the program to meet the special needs identified in the IPP for a specific child or youth.

(pp) "Staff member" means both of the following:

(continued)

(1) All personnel, including employees', substitutes, and volunteers, who provide administrative or direct services to children and youth; and

(2) auxiliary personnel, including cooks, drivers, office workers, and housekeeping staff, who provide indirect services.

(qq) "Supervisory ratio" means the ratio consisting of the number of staff members required to provide direct services and supervision to a specified number of children or youth.

(rr) "Temporary permit" means the document pursuant to K.S.A. 65-504, and amendments thereto, that authorizes a person to operate a school-age program before receiving a license as required by K.S.A. 65-501, and amendments thereto.

(ss) "Time-out area" means a designated, supervised space in the activity area that is used to separate a child or youth from the group for a limited period of time, to allow the child or youth to regain self-control.

(tt) "Use zone" means the surface under and around a piece of equipment onto which a child or youth falling from or exiting the equipment would be expected to land. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-577. Terms of temporary permit or license.

(a) License capacity.

(1) Building-based programs.

(A) The license capacity of each building-based program shall be determined by the combined indoor and outdoor available space for activities. For each child or youth counted in the license capacity, each operator shall provide 35 square feet of indoor available space for activities. If outdoor space is used, the license capacity may be increased by one child or youth for each 75 square feet of outdoor available space for activities, with the total license capacity not to exceed 175% of the license capacity based on the indoor space.

(B) If the operator of a building-based program is affiliated with a national organization as specified in K.A.R. 28-4-576, the license capacity shall be based on either of the following:

(i) The number of children and youth calculated according to paragraph (a)(1)(A) of this regulation; or

(ii) the number of children and youth specified in the national standards of that organization if the standards have been deemed substantially equivalent by the secretary.

(2) Outdoor summer camps. The license capacity of each outdoor summer camp shall be determined by the available space for activities. For each child or youth counted in the license capacity, the operator shall provide 75 square feet of available space for activities.

(3) Mobile summer programs. The license capacity of each mobile summer program shall be determined by the available space for activities at the drop-off and pick-up site. Each operator shall provide 20 square feet of available space for activities at the site for each child and youth.

(b) Posting temporary permit or license. Each operator shall post each temporary permit or license in a conspicuous place on the premises that is visible to parents.

(c) License capacity not to be exceeded. Each operator shall limit the number of children and youth attending the program at any one time within the license capacity specified on the license.

(d) Provisions for issuing license. No license shall be issued by the secretary until all the applicable provisions of the following have been met:

(1) K.S.A. 65-501 through K.S.A. 65-516, and amendments thereto;

(2) K.S.A. 65-523 through K.S.A. 65-529, and amendments thereto;

(3) K.S.A. 65-531, and amendments thereto; and

(4) all applicable regulations.

(e) Validity of temporary permit or license.

(1) Each temporary permit or license shall be valid only for the person and the address specified on the temporary permit or license.

(2) When an initial or amended license becomes effective, all temporary permits, licenses, or certificates of registration previously issued to the operator at the same address shall become invalid.

(f) Withdrawal of application. Any applicant or operator may, at any time, submit a request to withdraw the application for a license or a license renewal. If an application for license or license renewal is withdrawn, each temporary permit or license issued to the operator based on that application shall become invalid. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-504; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-578. Licensure; amended license; exceptions; notification; renewal. Each person shall have a temporary permit or license to operate a school-age program before children or youth are in attendance.

(a) Temporary permit or license required. Each person desiring to operate a school-age program that meets one or more of the following criteria shall obtain a temporary permit or license from the secretary to operate a child care facility as specified in K.S.A. 65-503, and amendments thereto:

(1) The program is designed to allow two or more school-age children on a drop-in or enrolled basis to attend 12 hours a week or more for more than two consecutive weeks, and is not an instructional class or activity as specified in paragraph (b)(3) of this regulation.

(2) The public agency providing funding to the program requires the program to be licensed as a child care facility.

(3) The program is a day reporting program for children 10 years of age or older and youth.

(4) The program is a specialized treatment, therapeutic, correctional, or rehabilitative program for school-age children or youth that children or youth attend 12 hours a week or more for more than two consecutive weeks.

(b) Exclusions. The following shall not be considered child care facilities:

(1) An "extraordinary school program," as defined in K.S.A. 72-8238, and amendments thereto, or a similar extended school day program that is conducted on the premises of an accredited nonpublic school, is attended only by pupils enrolled in the school in which the pro-

gram is being conducted, and is staffed by certified elementary school teachers;

(2) a "summer program," as defined in K.S.A. 72-8237, and amendments thereto;

(3) an instructional class or activity in which a child or youth is enrolled for the purpose of participating in only one specific subject or skill-building area, including religious instruction in a specific doctrine or tenet, academic or remedial instruction, a basketball clinic, a baseball league, dance or drama class, or a class in martial arts;

(4) a program of activities that serves exclusively school-age youth and that is not required to be licensed as specified in subsection (a) of this regulation; and

(5) a program of activities that serves exclusively youth who are 16 years of age and older.

(c) New temporary permit or license required. Each operator shall submit a new application, the required forms, and the license fee, and shall obtain a new temporary permit or license from the secretary, as follows:

(1) Before a program that has been closed is reopened;

(2) if there is a change in the location of the program;

or

(3) if there is a change of ownership of the program.

(d) Amended temporary permit or license.

(1) Each operator who intends to change the terms of the temporary permit or license, including the license capacity or the age of children and youth served, shall submit an application for an amended temporary permit or license on a form supplied by the department, and a non-refundable \$35 amendment fee. An amendment fee shall not be required if the request to change the terms of license is made at the time of the annual review of the program.

(2) The operator shall not consider the amendment granted until the amended temporary permit or license is issued by the secretary.

(e) Exceptions.

(1) Any operator may submit a written request for an exception to a school-age program regulation on a form supplied by the department.

(2) An exception may be granted if the secretary determines that the exception is in the best interest of the child's or youth's health, safety, or well-being, serves the needs of the child's or youth's family, and does not violate statutory requirements.

(3) If an exception is granted, each operator shall receive written notice of the approval of the exception and its duration. The approval shall be posted with the temporary permit or license. The exception shall not be considered granted until written approval is given by the secretary.

(f) Notification requirements. Each applicant or operator shall notify the secretary in writing before withdrawing the application, closing the program, or changing any of the following:

(1) High risk sports or recreational activities offered by the program;

(2) the program director;

(3) the physical structure of the program site due to new construction or substantial remodeling that affects the license capacity; or

(4) the use of any part of the premises that affects the license capacity.

(g) Annual renewal.

(1) Before the annual renewal date, each licensee wishing to renew the license shall submit the annual nonrefundable license fee and shall complete and submit the following to the secretary on forms supplied by the department:

(A) An application to renew the license;

(B) the program director's annual report; and

(C) a request to conduct a criminal history and child abuse registry background check.

(2) Failure to submit the annual renewal documents and fee as required by paragraph (g)(1) of this regulation shall result in an assessment of a \$10.00 late renewal fee payable to the secretary and may result in suspension of the license. Each late renewal fee assessed shall be paid upon request. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-501, 65-504, and 65-505; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-579. Applicant requirements. (a) Each individual submitting an application for a license shall be 21 years of age or older at the time of application.

(b) Each corporation applying for a license shall be in good standing with the Kansas secretary of state. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-504 and 65-508; effective, T-28-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-580. Application procedures; advertising. (a) Application procedures.

(1) Each person wishing to conduct a school-age program shall submit a complete application on forms supplied by the department. The application shall be submitted at least 90 calendar days before the planned opening date of the program and shall include the following:

(A) A description of the program of activities and services to be offered, including the following:

(i) A statement of the program's purpose and goals;

(ii) the number and ages of children and youth for whom the program is designed; and

(iii) the anticipated opening date and the projected hours and months of operation;

(B) a request for a criminal history and child abuse registry background check as specified in K.A.R. 28-4-584; and

(C) a nonrefundable license fee of \$20.00.

(2) If an existing building is to be used, the applicant shall submit a detailed floor plan describing all of the following:

(A) The intended use of the space;

(B) the location of each activity area within the building;

(C) the measurements for each room used by children and youth for activities;

(D) the location of each rest room designated for use, including the number of toilets, urinals, and hand sinks; and

(E) the location of entrances and exits.

(continued)

(3) If new construction or remodeling is planned, the applicant shall submit a building and site plan to the secretary at least 45 calendar days before the construction or remodeling is scheduled to begin. Each building and site plan shall include all of the information listed in paragraph (a)(2) of this regulation. Each applicant shall obtain approval of the plan from the secretary before beginning construction or remodeling. If changes are made to the building or site plan following the secretary's approval, the applicant shall submit a description of the proposed changes to the secretary for approval before construction or remodeling begins.

(4) If outdoor activities are conducted on the premises, the applicant shall include a diagram of the outside activity area for approval by the secretary. The diagram shall include the following:

- (A) Measurements of the space to be used;
- (B) the location relative to the building;
- (C) the means of access to the area from the building;
- (D) the placement of anchored equipment; and
- (E) the location of any hazards adjacent to the outside activity area, including heavily traveled streets, railroad tracks, and bodies of water.

(5) Each applicant for a license to conduct an outdoor summer camp shall submit documentation of site approval as specified in K.A.R. 28-4-586.

(b) Advertising. If an applicant advertises the availability of the program, the advertisement shall not contradict the written description of the program of activities and services submitted with the application. The applicant shall not make a claim of "state approval" until the secretary issues a temporary permit or license. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-505 and 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-581. Inspections; surveys; investigations; posting administrative order. (a) Entry and access. Each applicant and each operator shall give the secretary or the secretary's designee immediate entry and access to the premises and to any records required to be kept, to determine compliance with applicable statutes and school-age program regulations. To ensure access, the applicant or operator shall authorize the program director or program director's designee to grant to the secretary, or the secretary's designee, immediate entry and access to the premises and required records.

(b) Notification of noncompliance.

(1) Applicant. If an applicant is notified in writing that the applicant is not in compliance with statutes or regulations governing school-age programs, the applicant shall make any changes or alterations identified in the notice before a temporary permit or license is issued by the secretary.

(2) Operator. If, following an inspection or complaint investigation, the operator is notified in writing that the program is not being conducted in compliance with statutes or regulations governing school-age programs, the operator shall make any changes or alterations identified in the notice necessary to achieve and maintain compliance.

(3) Explanation of findings. If an applicant or operator disagrees with a notice documenting any finding of non-

compliance with licensing statutes or regulations, the applicant or operator may request an explanation of the finding from the secretary's designee. If the explanation is not satisfactory to the applicant or operator, the applicant or operator may submit a written request to the department for reconsideration of the finding. The written request shall identify the finding in question and explain why the applicant or operator believes that the finding should be changed. This request shall be made to the secretary within 10 calendar days after receiving the explanation.

(c) Posting of an administrative order. Each applicant or operator receiving an administrative order from the secretary shall post the order in a conspicuous place on the premises that is accessible to parents or potential users of the program. Each order shall be posted for 90 calendar days following the date the order becomes final. (Authorized by K.S.A. 2001 Supp. 65-508 and 65-513; implementing K.S.A. 2001 Supp. 65-504, 65-508, and 65-512; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-582. Administration; training; recordkeeping. (a) Building compliance. Before receiving a temporary permit or license, each applicant shall obtain documentation that the building complies with applicable building codes, fire safety requirements, and zoning codes. This documentation shall be on file on the premises or at a designated central office location that is accessible for review by the secretary's designee:

(b) Financial resources. Each operator shall have the financial resources necessary to maintain the program in compliance with licensing regulations.

(c) Lines of authority. Each operator shall define in writing the lines of authority governing the operation of the program.

(d) Delegation of authority. Each operator shall delegate administrative authority so that each program has a program director or a program director designee in charge during all hours of operation.

(e) Children and youth records.

(1) Each operator shall obtain the following information for each child or youth before or on the first day of attending the program:

- (A) The first and last name, date of birth, and gender;
- (B) a health history, as specified in K.A.R. 28-4-590(d);
- (C) the anticipated schedule of hours and days of attendance or a notation that attendance is on a drop-in basis; and

(D) the name, address, and telephone number of each parent or other adult responsible for the child or youth, the names of any other persons authorized to pick up the child or youth, and emergency contact information.

(2) Each operator shall obtain written authorization for emergency medical care, signed by the parent or legal guardian of each child or youth, before attending the program or within the first week of attendance.

(3) Except as specified in paragraph (4) of this subsection, each operator shall obtain written permission signed by the parent or other adult responsible for the child or youth before participating in the activity that will allow each child or youth to participate in the following activities, as applicable:

- (A) Swimming and water activities;
- (B) high-risk sports and recreational activities, as specified in K.A.R. 28-4-588;
- (C) transportation provided by the program; and
- (D) off-premises activities.

(4) If an operator is unable to obtain written information and records required for the child's or youth's participation in the program, the operator shall document that a reasonable effort has been made to obtain the necessary information and records. The operator shall develop and implement a plan, approved by the secretary, that provides the following information:

(A) Reasonable assurance that medical treatment can be obtained for each child or youth in case of emergency;

(B) reasonable assurance that each child or youth has permission to participate in the program of activities as specified in paragraph (e)(3) of this regulation; and

(C) reasonable assurance that each child or youth has current immunizations and has no allergies or other health conditions that would interfere with participation in program activities.

(5) Each health history and parental or other adult permission, as specified in this subsection, shall be recorded on forms provided by the department or approved by the secretary.

(6) Each child's or youth's record shall be confidential. Each operator shall have a written confidentiality policy, which shall be shared with each staff member and each parent or other adult responsible for the child or youth and which shall be followed. Nothing in this regulation shall limit access to confidential records by the secretary, the secretary's designee, the secretary of social and rehabilitation services, or law enforcement personnel.

(f) Staff records. Each operator shall have the following information on file on the premises or at a designated central office location that is accessible for review by the secretary's designee:

(1) If applicable, documentation of the required health information as specified in K.A.R. 28-4-590, and the date of participation in program orientation for each staff member as specified in K.A.R. 28-4-587;

(2) a copy of the identifying information submitted to the secretary for the completion of the criminal history and child abuse registry background check as specified in K.A.R. 28-4-584;

(3) a copy of current certification for first aid and certification for CPR as specified in K.A.R. 28-4-592; and

(4) if applicable, a copy of the program director's approval letter and documentation of professional development training for each director as specified in K.A.R. 28-4-587.

(g) Attendance of children and youth.

(1) Each operator shall maintain a daily attendance record that shall include each child's or youth's name, daily arrival time, and daily departure time. This record may be completed by a staff member or by each child or youth when arriving at or departing the premises. Each attendance record shall be kept on file for one year on the premises or at a designated central office location and shall be accessible for review by the secretary's designee.

(2) No operator shall allow any child or youth to attend the program for more than 16 hours in a 24-hour

period, unless the program of activities includes overnight activities. The operator shall ensure that children and youth do not attend more than two consecutive weeks of overnight activities.

(h) Each operator shall make the records and reports of the child or youth available to the parent or other adult responsible for the child or youth, on request. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-507 and 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-583. Access to the premises; safety of off-premises activities. (a) Access to the premises. Each operator shall give each custodial parent or other adult responsible for a child or youth attending the program immediate access to the premises during all hours of operation.

(b) Arrivals and departures.

(1) Each operator of a program in which children and youth attend on a regular basis shall meet the following requirements:

(A) Each operator shall develop and implement a policy regarding the hours of operation, the times for arrival and departure of each child and youth, and supervision during arrival and departure. The operator shall define in the policy the supervisory and notification responsibilities of each staff member if a child or youth does not arrive at the established time or if a parent or other authorized individual is late picking up the child or youth.

(B) Each operator shall inform each parent or other adult responsible for a child or youth of the policy specified in paragraph (b)(1)(A) and shall ensure that each staff member complies with the policy.

(2) Each operator of a drop-in program shall meet the following requirements:

(A) Each operator shall develop and implement a policy that allows children and youth to arrive at and depart the premises unsupervised, at unscheduled times and at their own volition.

(B) The operator shall inform the parent or other adult responsible for each child or youth of this policy.

(c) Program-sponsored off-premises activities.

(1) Each operator shall obtain prior written permission, as specified in K.A.R. 28-4-582, for each child or youth to go off the premises for program-sponsored activities.

(2) Each off-premises location and activity shall be related directly to the program of activities and the goals and purpose of the program. Each location shall be used with strict regard for the health and safety of each child or youth, shall be age-appropriate, and shall have sufficient space and equipment for the activities being conducted at that location.

(3) Each operator shall maintain on the premises a record of the following information:

(A) Each destination;

(B) the time at which the children or youth leave the premises;

(C) the name of each adult supervising the children or youth while the children or youth are off the premises;

(D) a telephone number for reaching an adult supervising the children or youth, in case of emergency; and

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(E) the estimated time of return.

(4) Each operator shall ensure that a method is in place for notifying each parent or other adult responsible for the child or youth before each off-premises activity occurs. These methods for notification may consist of any of the following:

(A) Posting the notification in a place accessible to the parent or other adult responsible for each child or youth;

(B) providing a calendar of scheduled off-premises activities to the parent or other adult responsible for each child or youth; or

(C) providing a written notification to the parent or other adult responsible for each child or youth before each off-premises activity.

(5) Each operator and each staff member shall have a method of accounting for each child or youth while off the premises to ensure that no child or youth is forgotten or left behind. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-584. Criminal history and child abuse registry background check.

(a)(1) Each applicant and each operator shall submit the identifying information that is necessary to complete a criminal history and child abuse registry background check for each individual 14 years of age or older who works, substitutes, or regularly volunteers in the program, as follows:

(A) When applying for a license;

(B) when submitting an application to renew the license; and

(C) before allowing each new individual to work, substitute, or regularly volunteer in the program.

(2) The identifying information shall be submitted on a form supplied by the department.

(b) Each operator, upon receipt of notification that an individual is prohibited from working, substituting, or regularly volunteering in the program, shall take the steps necessary to comply with K.S.A. 65-516, and amendments thereto. The operator shall, within five days of receipt of the notice, notify the secretary of the steps taken.

(c) Each operator shall maintain, for one year from the date of submission, a copy of each form submitted to the secretary requesting a criminal history or child abuse registry check. All copies shall be on file on the premises or at a designated central office location and shall be accessible for review by the secretary's designee. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-516, as amended by L. 2002, ch. 114, sec. 74; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-585. Building and outdoor premises. (a) Safety and maintenance of each building.

(1) Each operator shall ensure that the program is located in a building that meets the requirements specified in K.S.A. 65-508 and amendments thereto, the applicable building code, and any applicable local ordinances. Each operator shall ensure that no child or youth is knowingly exposed to environmental hazards, including asbestos, lead paint, and pesticides.

(2) Hot and cold running water shall be supplied to hand sinks except as specified in this paragraph. The hot water temperature shall not exceed 120° F. Outdoor summer camps and mobile summer programs shall be exempt from the requirement to provide hot running water to hand sinks.

(3)(A) Each operator shall ensure that the requirements in either of the following paragraphs are met:

(i) Each building shall have a minimum of one working flush toilet and one working hand sink for each 30 children or youth in the license capacity. One urinal may be substituted for each additional toilet in the boys' rest room.

(ii) If the operator of a building-based program is affiliated with a national organization as specified in K.A.R. 28-4-576, the number of working flush toilets and working hand sinks shall be based on either the number specified in the national standards of that organization if the standards have been deemed substantially equivalent by the secretary, or paragraph (a)(3)(A)(i) of this regulation.

(B) Each operator shall designate the rest rooms to be used by the program. A separate rest room shall be provided for each gender unless the rest room is designed for single occupancy.

(C) Each rest room shall be located to allow for the following:

(i) Supervision of children and youth;

(ii) immediate access to the rest room facilities by children, youth, and adults; and

(iii) privacy while using the toilet.

(D) If the rest rooms are also used by non-program participants during the hours of operation of the program, the operator shall develop and implement policies for rest room use for the protection of children and youth attending the program.

(E) Toilet paper, soap, and either paper towels or hand dryers shall be available in each rest room.

(4) Each operator shall provide adequately for the health, safety, and comfort of each child, youth, and adult by maintaining the space used by the program according to the following requirements:

(A) The space shall be uncluttered and free from accumulated dirt, trash, vermin, and rodent infestation.

(B) Each indoor trash container shall be emptied daily or more often if the contents are overflowing or the removal is needed to control odor.

(C) Floors shall not be slippery or cracked.

(D) Each rug or carpet used as a floor covering shall be slip-resistant and free from tripping hazards. A floor covering, paint, or sealant shall be required over concrete floors for all buildings.

(E) Each exit shall be marked. No exit shall be blocked at any time.

(5) Heating appliances shall be vented, used as intended, safely located, and maintained in operating condition. Power strips, if used, shall have a UL rating.

(6) Each operator shall safely store toxic substances and materials, including cleaning supplies, pesticides, and poisons, in a locked janitor's closet, locked room, or other locked area. No child or youth shall have unsupervised access to toxic substances and materials.

(b) Public and accredited non-public school buildings.

(1) Inside premises. If a program is located in a public or accredited non-public school building, the operator shall ensure that the building complies with subsection (a) of this regulation and with fire safety and building code requirements applicable to schools as required by K.S.A. 65-527, and amendments thereto.

(2) Outside premises.

(A) Each existing outside playground or activity area and equipment acceptable for use by students of the same age during the academic day may be used by children and youth in the program if the equipment is in sound condition.

(B) Additional impact-absorbent surfacing material shall not be required under anchored climbing equipment, slides, and swings if the equipment is acceptable for use by students of the same age during the academic day.

(c) Public recreation center buildings. If the program is located in a public recreation center, the operator shall ensure that the building complies with subsection (a) of this regulation and with fire safety and building code requirements applicable to public recreation centers as specified in K.S.A. 65-527, and amendments thereto.

(d) Buildings that are not public or accredited non-public school buildings or public recreation centers.

(1) If the program is located in a building that is not a public or accredited non-public school or a public recreation center, the operator shall ensure that the following requirements are met for the building used:

(A) The building shall meet the requirements in subsection (a) of this regulation.

(B) The building shall not be a residence or a single-family dwelling.

(C) Each stairway with more than two steps shall be railed.

(D) If windows and doors are left open, they shall be screened, with each screen in good condition to prevent insects from entering the premises.

(2) If a program uses a non-public source for the water supply, the water shall be safe for drinking and shall be tested annually by a department certified laboratory. The well shall be approved by the local environmental protection program (LEPP).

(e) Outside premises of public recreation centers and of other programs, including outdoor summer camps, that are not conducted in public schools or accredited non-public schools.

(1) General requirements.

(A) Each operator shall ensure that the outdoor activity area meets the following requirements:

(i) The area shall be located and arranged to reduce the risk of injury and to enable staff to provide close visual supervision at all times.

(ii) Each area shall be well drained and free of known health and environmental hazards.

(iii) There shall be no tall weeds or grass, untrimmed shrubbery, or trash in the activity area.

(iv) Each outdoor trash and garbage container shall be covered, and the contents shall be removed weekly.

(B) If the outdoor activity area is accessible to the public, each operator shall define boundaries for the children

and youth attending the program and, to the extent possible, use space reserved exclusively for the program.

(2) Safety of outdoor equipment and the activity area. Each operator shall comply with the following safety requirements in the outside activity area:

(A) Equipment shall be safely located, age-appropriate, and in good repair. Equipment that is broken, hazardous, or unsafe or that does not have adequate impact-absorbent surfacing material in the use zone as specified in this regulation shall not be used.

(B) Impact-absorbent surfacing material shall be installed in each use zone under and around anchored play or recreational equipment over four feet in height, including climbing equipment, slides, and swings. Impact-absorbent surfacing material shall consist of any loose fill material specified in paragraph (e)(2)(G) of this regulation, unitary surfacing material, or synthetic impact material. Before any equipment over 11 feet in height is used, the operator shall meet the requirements specified in K.A.R. 28-4-588(e).

(C) Each use zone shall be at least six feet from all sides of the structure. However, the side of some equipment, including a swing, shall not be required to have impact-absorbent surfacing material on each side if the potential for a fall to the side is minimal.

(D) Hard-surfacing materials, including asphalt, concrete, and hard-packed dirt, shall not be used in any use zone under and around climbing equipment, slides, and swings. This requirement shall apply regardless of the height of the climbing equipment, slides, and swings.

(E) If unitary surfacing material or synthetic impact material, including rubber mats, rubber tiles, and poured-in-place material, is installed in the use zone, the material shall be used and maintained according to the manufacturer's recommendations. The manufacturer's recommendations shall be on file on the premises or at a designated central office location and shall be accessible for review by the secretary's designee.

(F) Surfaces made of loose materials shall be maintained by replacing, leveling, or raking the material.

(G) If loose fill material is installed in the use zone, the material shall be specifically developed for playground use, and the type and depth of material used shall conform to the following chart:

Required depth of impact-absorbent surfacing material for the height of equipment

Maximum height of equipment	Type of material	Minimum depth of material
6 feet 10 feet 11 feet	shredded bark mulch	6 inches 9 inches 12 inches
7 feet 10 feet 11 feet	wood chips	6 inches 9 inches 12 inches
6 feet 9 feet	fine sand	6 inches 12 inches
7 feet 10 feet	fine gravel	9 inches 12 inches
10 feet or less	shredded rubber	6 inches

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(3) Protection from environmental hazards. Each operator shall ensure that each child or youth is protected from environmental hazards as follows:

(A) If a small fish pond or decorative pool with water 24 inches deep or less is on the premises, no child shall have unsupervised access to it.

(B) Each outdoor activity area shall have a fence, partial fence, or other barrier to prevent chance access to any adjacent hazard, including the following:

(i) A busy street;

(ii) railroad tracks; or

(iii) a water hazard, including a ditch, irrigation ditch, pond, lake, and any standing water over 24 inches deep. Each public recreation center shall be exempt from paragraph (e)(3) of this regulation. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-508 and K.S.A. 65-527; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-586. Outdoor summer camps and mobile summer programs. (a)(1) Each operator conducting an outdoor summer camp or mobile summer program shall meet the requirements specified in this regulation and the requirements in K.A.R. 28-4-577 through K.A.R. 28-4-584, K.A.R. 28-4-587 through K.A.R. 28-4-590, and K.A.R. 28-4-592.

(2) Each operator shall meet the following requirements if the secretary determines that they are applicable to the program and services:

(A) K.A.R. 28-4-576;

(B) K.A.R. 28-4-585;

(C) K.A.R. 28-4-591; and

(D) K.A.R. 28-4-593 through K.A.R. 28-4-596.

(b) Outdoor summer camps.

(1) Premises.

(A) Each outdoor summer camp shall be held in a city or county park or park-like setting that has at least 75 square feet of available space for each child or youth for the program of activities. Each operator shall use the premises according to its intended purpose, with strict regard for the health, safety, and well-being of each child and youth who attends the outdoor summer camp. No child or youth shall be exposed to environmental hazards, including asbestos, lead paint, and pesticides.

(B) If a lake, pond, river, or other large body of water is located within 100 yards of the premises, each operator shall ensure that the water hazard is physically separated from the activity area to prevent access by each child or youth, or shall submit to the secretary a plan for protecting each child and youth from unsupervised access. The plan, which shall be approved by the secretary before the premises are used for an outdoor summer camp, shall include the following:

(i) A description of any natural barriers separating the activity area from the water;

(ii) the approximate distance from the activity area to the water; and

(iii) a plan for increased supervision.

(C) Each outdoor summer camp shall have access to the following:

(i) A shelter or permanent building for protection from inclement weather and for dining purposes, as needed,

that is large enough to accommodate the number of children and youth in attendance and for each child and youth to be comfortably sheltered without being crowded; and

(ii) rest room and hand-washing facilities as specified in K.A.R. 28-4-585.

(D) Rest room facilities shall be located in visual proximity to each program activity area.

(E) Each shelter structure shall be in sound condition and good repair and shall be free from accumulated dirt and trash.

(F) If a building is used, the operator shall ensure that the building meets the requirements specified in K.A.R. 28-4-585. A shelter house that has a roof and is enclosed by walls on all sides shall be considered a building and shall be included in determining the license capacity based on 35 square feet of available space for each child or youth.

(G) Each outdoor summer camp shall have facilities for sanitary dish washing available as specified in K.A.R. 28-4-591. If hot water is not available to the sink or if the dish-washing facilities do not meet the requirements specified in K.A.R. 28-4-591, each operator shall obtain approval from the secretary's designee for the use of alternate methods for sanitary dish washing.

(H) Each operator of an outdoor summer camp shall conduct a daily safety assessment of the premises to ensure that the premises are maintained to protect the health, safety, and well-being of each child and youth.

(2) Policies. Each operator of an outdoor summer camp shall develop and implement policies for the following:

(A) The protection and shelter of children and youth in case of inclement weather; and

(B) the use and maintenance of the shelter and rest room facilities, including policies for use and maintenance if the shelter and rest room facilities are owned and operated by another entity.

(3) Transportation. If the operator transports children and youth to and from the outdoor summer camp premises to a designated pick-up and drop-off location, the operator shall meet the requirements specified in K.A.R. 28-4-583, K.A.R. 28-4-593, and paragraph (c)(4) and (5) of this regulation.

(c) Mobile summer programs.

(1) Each license for a mobile summer program shall be issued for the address of the designated drop-off and pick-up site. Each operator shall submit a new application for each change of location in the drop-off and pick-up site, and for any change in the license capacity.

(2) Each drop-off and pick-up site shall contain a shelter or a permanent building that provides adequate protection from inclement weather for each child or youth.

(3) Each operator shall ensure that no child or youth waits at the drop-off or pick-up site for more than one hour at the beginning of the program day or for more than one and one-half hours at the end of the program day.

(4) Each operator shall ensure that children or youth do not board the transporting vehicle until immediately before it is time to leave.

(5) Each operator of a mobile summer program shall ensure that the program has exclusive use of the licensed

area during the entire time that children or youth involved in the program are present.

(6) Each operator of a mobile summer program shall meet the transportation requirements specified in K.A.R. 28-4-593 and the requirements for off-premises activities specified in K.A.R. 28-4-583.

(d) Staff records. Any operator of an outdoor summer camp or a mobile summer program may keep the staff records specified in K.A.R. 28-4-582 at a designated central office location. Each operator shall make these records available to the secretary or the secretary's designee upon request. Each operator shall keep health records and contact information for emergency notification immediately available in case of emergency.

(e) Children and youth records. Any operator may keep children and youth records as specified in K.A.R. 28-4-582 on file at a designated central office location. Each operator shall make these records available to the secretary or the secretary's designee upon request. Each operator shall ensure that the following records for each child or youth are immediately available in case of emergency:

- (1) Health history;
- (2) authorization for emergency medical care; and
- (3) emergency contact information. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-587. Staff qualifications; professional development; staffing requirements. (a) Staff qualifications. Each operator and each staff member in contact with children or youth shall demonstrate emotional maturity, sound judgment, and an understanding of children and youth.

(b) Program director qualifications.

(1) Each program shall have a program director who meets the following qualifications:

(A) Is 18 years of age or older, and is at least three years older than the oldest youth in the program;

(B) demonstrates the following:

- (i) Knowledge of child and youth development;
- (ii) knowledge of licensing regulations applicable to the program;
- (iii) administrative and supervisory skills;
- (iv) the ability to communicate clearly; and
- (v) the competence to manage the program in compliance with the program policies, the program plan, and these regulations; and

(C) has either a high school degree or a general education degree (GED).

(2) In addition to meeting the requirements specified in paragraph (1) of this subsection, each program director shall meet one of the following qualifications, as appropriate to the license capacity of the program:

(A) For a license capacity of 30 or fewer children or youth, has been approved as a program director as specified in K.A.R. 28-4-429(b) or (c), or has at least three months of job-related experience;

(B) for a license capacity of 31 through 60 children or youth, meets one of the following requirements:

(i) Has been approved as a program director as specified in K.A.R. 28-4-429(d) or (e);

(ii) has 15 academic credit hours; or

(iii) has six months of job-related experience;

(C) for a license capacity of 61 through 120 children or youth, meets one of the following requirements:

(i) Has been approved as a program director as specified in K.A.R. 28-4-429(e);

(ii) has 60 academic credit hours;

(iii) has 12 months of job-related experience; or

(iv) has a combination of 30 academic credit hours and six months of job-related experience;

(D) for a license capacity of 121 or more children and youth, has a minimum of a four-year bachelor's degree from an accredited college or university and job-related experience; or

(E) If the operator is affiliated with a national organization or governmental entity with standards governing school-age programs, has participated in professional development training according to the standards established by that national organization or governmental entity, if the secretary deems the standards to be substantially equivalent to the school-age program regulations and if the requirements of paragraph (b)(1) of this regulation are met.

(3) Within 10 calendar days after hiring each program director, each operator shall comply with one of the following:

(i) Obtain a copy of the approval letter issued by the secretary to document that the program director is qualified for the license capacity of the program; or

(ii) submit a request to the secretary for program director's approval of the program director who has been hired.

(4) Each approval letter shall be kept on file in the program director's personnel file and shall be accessible for review by the secretary's designee.

(5) Each program director designee shall meet the requirements specified in paragraphs (b)(1) and (2)(A).

(c) Administrator qualifications. Each operator of a program that has a license capacity of 91 or more children or youth shall employ an administrator who meets the following qualifications:

(1) Is not the program director or a group leader;

(2) is 18 years of age or older, and has either a high school degree or GED; and

(3) demonstrates administrative ability, knowledge of regulations governing school-age programs, and the skill to supervise the business operation of the program.

(d) Group leader qualifications.

(1) Each person designated as group leader shall meet the following qualifications:

(A) Is 18 years of age or older and is at least three years older than the oldest youth in the group; and

(B) has either a high school diploma or GED and has job-related experience working with school-age children or youth.

(2) Each group leader shall demonstrate the following:

(A) Knowledge of child and youth development;

(B) knowledge of licensing regulations for school-age programs;

(C) an understanding of age-appropriate activities and services;

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(D) the ability to communicate clearly;
(E) skills and abilities to implement the program of activities; and

(F) the ability to foster positive, healthy relationships with children or youth.

(3) Each group leader shall provide supervision and direction to the children and youth assigned to the group, shall supervise group activities during all hours children and youth are present, and shall provide supervision and direction to an assistant group leader.

(e) Assistant group leader qualifications.

(1) Each person designated as assistant group leader shall meet the following qualifications:

(A) Is 16 years of age or older and is at least three years older than the oldest youth in attendance in the group; and

(B) demonstrates the ability to provide supervision and guidance to a group of children or youth under the direction of a group leader, the skill and ability to carry out the program of activities, and the capability to foster positive, healthy relationships with children and youth.

(2) Each assistant group leader shall be under the direct supervision and direction of a group leader.

(f) Qualifications for substitute staff. Each program shall have substitutes who are available to work in case of illness or emergency. Each substitute shall meet the requirements for the staff person whom the substitute is temporarily replacing. The name and telephone number of each substitute shall be immediately available to the program director or the program director's designee.

(g) Qualifications for volunteers. Each volunteer shall be 14 years of age or older and, if working directly with the children and youth, shall be at least three years older than the oldest youth in the group. No volunteer shall be counted in the supervisory ratio unless the volunteer meets all the requirements of a group leader or assistant group leader and is designated as a group leader or assistant group leader by the program director.

(h) Professional development.

(1) Orientation training. Each operator shall provide orientation training to each program director and each staff member who is counted in the supervisory ratio. The operator shall offer the training before or within the first week of working with children or youth. The training shall be related to work duties and responsibilities and shall include the following:

- (A) The mission and goals of the program;
- (B) licensing regulations;
- (C) the program policies and practices, including security and behavior management;
- (D) the program of activities;
- (E) supervision;
- (F) health and safety practices;
- (G) confidentiality;
- (H) handling emergencies; and
- (I) recognizing and reporting symptoms of illness, child abuse, child neglect, and critical incidents as specified in K.A.R. 28-4-592.

(2) Ongoing professional development training.

(A) Each program director shall annually obtain 15 clock-hours of professional development training as defined in K.A.R. 28-4-576. Any professional development

training that is offered by a national organization or governmental entity with which an operator is affiliated and that has been approved by the secretary may be used to satisfy this requirement. Documentation of the training attended and the number of clock-hours received for the training shall be kept in the program director's personnel file on the premises or at a designated central office location. This documentation shall be accessible for review by the secretary's designee.

(B) Each operator or program director shall assess the training needs of the staff members and shall provide staff training as needed to maintain the program in compliance with licensing regulations. Documentation of training shall be kept in the staff member's personnel file on the premises or at a designated central office location. This documentation shall be accessible for review by the secretary's designee.

(i) Staffing requirements.

(1) Staff coverage. Each operator shall have a sufficient number of staff members on duty to supervise the children and youth during all hours of operation and to provide for their health, safety, and well-being. Each operator shall provide staff coverage in case of emergencies and staff absences.

(2) Supervision.

(A) Each operator shall ensure that the program has a qualified group leader for each 30 children or youth attending the program, except as specified in K.A.R. 28-4-596.

(B) Each operator shall maintain additional qualified staff to ensure that the supervisory ratio of one staff member for each 15 children and youth is not exceeded.

(C) Each staff member counted in the supervisory ratio shall comply with the following:

(i) Meet the applicable qualifications for a group leader or assistant group leader;

(ii) be assigned responsibility for the supervision of children and youth; and

(iii) be physically present with the children or youth.

(3) Grouping. Except as specified in K.A.R. 28-4-596, the number of children and youth in a group shall be limited by the following:

(A) The available space for activities; and

(B) the type of program activity.

(4) Each staff member working with children and youth shall provide attentive supervision to protect the health, safety, and welfare of the children and youth, and to reduce the risk of injury, illness, or abuse.

(5) Each staff member shall encourage the development of positive adult-to-child and adult-to-youth relationships and shall be actively engaged with the children or youth under their supervision.

(6) Each group leader or assistant group leader shall know the location of each child or youth under the supervision of that group leader or assistant group leader, at all times.

(7) Any group leader or assistant group leader may, based on the policy of the program and the age and responsibility level of the child or youth, give a child or youth permission to walk unescorted from one supervised activity area to another supervised activity area or to the rest room. (Authorized by and implementing

K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-588. Program plan, program of activities, and use of space. (a) Program plan. Each operator shall develop and implement a written program plan that includes a program of activities, services, and schedules in keeping with the overall mission, goals, and purpose of the program and the developmental needs and interests of the children and youth.

(b) Program of activities.

(1) Each operator shall ensure that each activity is adapted to the number of children and youth participating in the activity and the space available. Whenever possible, each operator shall encourage each child and youth to participate in planning the program of activities.

(2) Each operator shall ensure that each activity meets the following conditions:

(A) Is developmentally appropriate and age-appropriate;

(B) helps each child or youth develop useful skills, a positive self-concept, a sense of independence, and positive relationships;

(C) provides a variety of structured, unstructured, and self-directed activities in keeping with the goals and purpose of the program and the hours of operation; and

(D) is scheduled to allow adequate time to transition from one activity to another.

(3) Each operator shall ensure that television programs, videos, and movies are limited to those with age-appropriate content and are shown only for special occasions or educational instruction.

(c) Use of available space for activities.

(1) If activities that are not part of the school-age program are conducted on the same premises as those for the school-age program, each operator shall designate space for exclusive use by the program during the hours of operation.

(2) Each operator shall provide sufficient space in each area for children and youth to engage comfortably in the activity without being crowded.

(d) Materials, equipment, and furnishings.

(1) Each operator shall provide a sufficient quantity of program materials, equipment, furnishings, and supplies to keep each child and youth engaged and to carry out the program of activities.

(2) Each operator shall ensure compliance with the following safety requirements:

(A) Equipment, furnishings, and supplies shall be used as intended and shall be safely stored to prevent injury or misuse.

(B) Equipment shall be maintained in good repair.

(C) If bedding is used, it shall be stored in a sanitary manner.

(3) Each operator shall ensure that there are no firearms, ammunition, hunting knives, and other weapons on the premises. Archery equipment and air-powered guns, including BB guns and pellet guns, shall be prohibited unless both of the following conditions are met:

(A) The equipment and guns are used as part of an instructional activity that meets the requirements for high-risk sports and recreational activities specified in subsection (e) of this regulation.

(B) The equipment and guns are kept in locked storage, and no child or youth has unsupervised access to the equipment and guns.

(e) High-risk sports and recreational activities.

(1) Before any high-risk sport or recreational activity is included in the program, each operator shall submit a description of the sport or activity to the secretary for written approval. Each description shall include the following information:

(A) The required qualifications for the instructor of the sport or activity;

(B) the goals of the instruction;

(C) the protective measures that will be followed to conduct the activity safely;

(D) the plans for increased staff supervision;

(E) the type of protective gear, if required for the activity;

(F) the operator's written assurance that each sport or activity will be age-appropriate; and

(G) any special procedures to be following in conducting the sport or activity.

(2) Each operator shall keep the written approval from the secretary on file on the premises or at a designated central office location. This approval shall be accessible for review by the secretary's designee.

(3) Only an instructor who meets the qualifications for conducting a high risk sport or recreational activity shall instruct and supervise the children and youth engaged in that sport or activity.

(4) Before participating in a high-risk sport or recreational activity, each child or youth shall have written permission, as specified in K.A.R. 28-4-582, on file on the premises or at a designated central office location. Each written permission shall be accessible for review by the secretary's designee.

(f) Children or youth with special needs.

(1) If the operator and the parent or other adult responsible for a child or youth agree that the child or youth will be provided with specialized services while attending the program, an IPP shall be developed and implemented by the following individuals:

(A) The program director and each staff member of the program who is responsible for implementing the IPP;

(B) the parent or other adult responsible for the child or youth;

(C) a professional who is licensed or credentialed and who is qualified to work with the child or youth regarding the child's or youth's special need; and

(D) the child or youth, as appropriate.

(2) Each IPP shall contain the following information:

(A) The date each IPP is developed and updated;

(B) each special need identified as requiring specialized services;

(C) each specialized service to be provided while the child or youth is attending the program and the name of the person who will provide each service;

(D) the anticipated goal of each specialized service; and

(E) the name and position of each person participating in the development of the IPP.

(continued)

(3) Each operator shall ensure that each IPP is reviewed and updated annually to meet the special needs of the child or youth.

(4) Each operator shall provide a copy of each IPP and each updated IPP to the participants who developed the IPP. The operator shall keep a copy in the child's or youth's file.

(5) Each program operating concurrently under a school-age program license issued by the secretary and a license issued by the secretary of social and rehabilitation services as specified in K.S.A. 75-3307b, and amendments thereto, shall be exempt from the following regulations if the program is in compliance with the licensing requirements of the secretary of social and rehabilitation services:

(A) K.A.R. 28-4-587;

(B) subsection (b), subsection (e), and paragraphs (f)(1) through (4) of this regulation; and

(C) any IPP requirements specified in K.A.R. 28-4-589(d). (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-589. Behavior management. (a) Behavior management practices.

(1) Behavior management practices shall be consistent with the goals and purposes of the program and appropriate to the age and developmental level of the child or youth.

(2) Each staff member shall practice methods of behavior management that are designed to help each child or youth develop inner controls and manage the child's or youth's own behavior in a socially acceptable manner.

(b) Time-out. If time-out is used to manage behavior, the child or youth shall remain in time-out only long enough to regain self-control. Each child or youth in time-out shall be kept under visual staff supervision. If a separate room is used, the door shall remain open, or the staff member responsible for providing supervision shall remain in the room with the child or youth.

(c) Prohibited punishment.

(1) No operator or any staff member shall use any of the following methods of punishment:

(A) Punishment that is humiliating, frightening, or physically harmful to the child or youth;

(B) corporal punishment, including spanking with the hand or any implement, slapping, swatting, pulling hair, yanking the arm, excessive exercise, exposure to extreme temperatures, and any other measure that produces physical pain or threatens the child's or youth's health or safety;

(C) verbal abuse, threats, or derogatory remarks about the child or youth or the child's or youth's family;

(D) enclosing the child or youth in a confined space, including any closet, box, and locked room;

(E) withholding or forcing foods or liquids; and

(F) placing soap, or other substances that sting, burn, or have a bitter taste, in the child's or youth's mouth or on the tongue, or placing substances that sting or burn on other parts of the child's or youth's body.

(2) Each operator and each staff member shall be prohibited from giving medications, herbal or folk remedies,

and drugs to control or manage behavior except as prescribed by the child's or youth's licensed physician or licensed nurse practitioner.

(3) Each operator and each staff member shall be prohibited from using physical restraint to manage behavior unless all of the requirements of subsection (d) of this regulation are met.

(d) Physical restraint.

(1) Before physical restraint is used, de-escalation methods shall be attempted. If de-escalation methods fail and the behavior of a child or youth makes physical restraint necessary for the child's or youth's own protection or the protection of others, the child or youth shall be held as gently as possible to manage the behavior. If physical restraint is used, two staff members shall be present and shall remain with the child or youth until physical restraint is no longer necessary.

(2) The child or youth shall be restrained no longer than necessary for the child or youth to gain self-control. No bonds, ties, or straps shall be used to restrict movement.

(3) Each staff member using physical restraint shall have a current certificate on file documenting training in de-escalation methods and specific restraint procedures or techniques. The physical restraint training curriculum shall be approved by the secretary before the curriculum is used to train the staff members.

(4) Each child or youth whose behavior cannot be managed by other less intrusive methods and whose behavior requires the use of ongoing physical restraint for the child's or youth's protection or the protection of others shall have on file an IPP authorizing the use of physical restraint.

(e) Notification requirements. Each operator shall inform the parent or other adult responsible for a child or youth each time that physical restraint is used. The operator shall document each use of physical restraint on a critical incident report form supplied by the department. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-590. Health-related requirements. (a) Tobacco use prohibited. Each operator shall ensure that tobacco products are not used during the hours of operation of the program and while children or youth are in attendance.

(b) Health of individuals working or volunteering in the program.

(1) Each operator and each staff member shall be free from physical, mental, and emotional handicaps as necessary to protect the health, safety, and welfare of the children or youth.

(2) No individual working or volunteering in a program shall be under the influence of alcohol or illegal substances, or impaired due to the use of prescription or nonprescription drugs.

(3) Each individual working or volunteering in the program shall be free from any infectious or contagious disease, as specified in K.A.R. 28-1-6.

(4) Each operator and each staff member who has regular, ongoing contact with children or youth shall attest

to that individual's health status on a form supplied by the department or approved by the secretary. The health status form shall indicate if the individual has been exposed to an active case of tuberculosis or has been diagnosed with suspect or confirmed active tuberculosis. Each individual shall update the health status form annually or more often if there is a change in the health status or if the individual has been exposed to an active case of tuberculosis.

(5) If an operator or staff member in contact with children or youth experiences significant changes in physical, mental, or emotional health or if the individual has been exposed to an active case of tuberculosis, an assessment of the individual's current health status may be required by the secretary. A licensed health care provider qualified to diagnose and treat the condition shall conduct the health assessment. Each assessment shall be kept in the individual's file and shall be submitted to the secretary on request.

(c) Tuberculin testing.

(1) If an operator, program director, staff member, child, or youth is exposed to an active case of tuberculosis or if the location of the program is in an area identified by the local health department or the secretary as a high-risk area for tuberculosis exposure, that individual shall obtain a Mantoux test or a chest x-ray.

(2) Each individual diagnosed with suspected or confirmed active tuberculosis shall be excluded from the program until the operator receives authorization from the secretary for the individual to return.

(3) Each operator shall notify the secretary if any individual identified in paragraph (c)(1) of this regulation indicates exposure to an active case of tuberculosis, has a diagnosis of suspected or confirmed active tuberculosis, or has a positive Mantoux test or positive chest x-ray indicating active disease.

(d) Health of children and youth.

(1) Each operator shall obtain a health history for each child or youth, on a form supplied the department or approved by the secretary. Each health history shall be maintained in the child's or youth's file on the premises.

(2) Each operator shall require that each child or youth attending the program has current immunizations as specified in K.A.R. 28-1-20 or has an exemption for religious or medical reasons.

(3) An exemption from immunization requirements shall be granted if one of the following is obtained:

(A) A written statement, submitted on a form supplied by the department and signed by a parent of the child or youth, that the parent is an adherent of a religious denomination whose teachings are opposed to health assessments or immunizations; or

(B) a certification from a licensed physician that the physical condition of the child or youth is such that immunizations would endanger the child's or youth's life or health.

(4) Children or youth who are currently attending or who had attended in the preceding school year a public or accredited non-public school in Kansas, Missouri, or Oklahoma shall not be required to provide documentation of current immunizations or exemptions from immunizations.

(5) If the operator is conducting a drop-in program or is unable to readily obtain the health information required for the child's or youth's participation in the program because of the circumstances of the parents, the operator shall submit a plan as specified in K.A.R. 28-4-582.

(e) Administration of medication.

(1) Nonprescription medication. If nonprescription medication is to be administered during the time children or youth are attending the program, each operator shall ensure compliance with the following procedures:

(A) Obtain written permission from the child's or youth's parent or other adult responsible for the child or youth before administering nonprescription medication to that child or youth;

(B) administer each medication from the original container and according to instructions on the label; and

(C) require that each nonprescription medication supplied by a parent or other adult responsible for the child or youth be in the original container that is labeled with the first and last name of the child or youth for whom the medication is intended.

(2) Prescription medication. If prescription medication is administered during the time children or youth are attending the program, each operator shall ensure compliance with the following procedures:

(A) Obtain written permission from the child's or youth's parent or other adult responsible for the child or youth before administering prescription medication to that child or youth;

(B) administer medication ordered by a licensed physician or licensed nurse practitioner only to the designated child or youth and in the dosage recommended;

(C) keep each prescription medication in the original container labeled by a pharmacist with the following information:

(i) The first and last name of the child or youth;

(ii) the date the prescription was filled;

(iii) the name of the licensed physician or licensed nurse practitioner who wrote the prescription;

(iv) the expiration date of the medication; and

(v) specific, legible instructions for administration and storage of the medication;

(D) consider the instructions on each label to be the order from the licensed physician or licensed nurse practitioner; and

(E) administer the medication in accordance with the instructions on the label.

(3) Requirements for administering medication.

(A) If nonprescription or prescription medication is administered, each operator shall designate staff members to administer the medication. Before administering medication, each designated staff member shall receive training in medication administration approved by the secretary.

(B) Each operator shall record in the file of each child or youth who is scheduled to receive medication the following identifying information, on forms supplied by the department:

(i) The name of each staff member who administered each medication;

(ii) the date and time the medication was given;

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(iii) any change in the child's or youth's behavior, response to the medication, or adverse reaction; and

(iv) any change in the administration of the medication from the instructions on the label or a notation about each missed dose.

(C) Each record shall be signed by the individual who was responsible for administering the medication, and a copy of the record shall be made available to the parent or other adult responsible for the child or youth.

(4) Storage of medication. Each operator shall keep all medication at the recommended temperature and, except as specified in paragraph (e)(5)(D) of this regulation, in locked storage. Each medication container shall have a child-protective cap.

(5) Self-administration of medication.

(A) Any operator may permit each child or youth with a chronic illness, a condition requiring prescription medication on a regular basis, or a condition requiring the use of an inhaler to administer the medication under staff supervision. The operator shall obtain written permission for the child or youth to self-administer medication from the child's or youth's parent or other adult responsible for the child or youth, and from the licensed physician or nurse practitioner treating the condition of the child or youth.

(B) Written permission for self-administration of medication shall be kept in the child's or youth's file.

(C) Self-administration of each medication shall follow the procedures specified in paragraphs (e)(2)(B), (C), (D), and (E) of this regulation.

(D) Each child or youth who is authorized to self-administer medication shall have immediate access to that child's or youth's medication for administration purposes. Each operator shall safely store each medication to prevent unauthorized access by others.

(E) Each operator shall record the date and time each medication was self-administered.

(f) Health care practices.

(1) Hand washing.

(A) Each operator shall encourage each child and youth to wash the hands with soap and water before and after eating and after toileting.

(B) Each staff member shall wash the hands with soap and water before and after eating and after toileting.

(C) Waterless sanitizing cleanser and sanitizing wipes shall not be used as a substitute for soap and running water. Individuals shall not share towels or washcloths.

(2) Each staff member shall be sensitive to the health status of each child or youth and shall take precautions to prevent the following:

(A) Dehydration;

(B) heat exhaustion;

(C) sunburn;

(D) frostbite;

(E) allergic reactions; and

(F) other preventable conditions hazardous to a child's or youth's health. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-507 and 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-591. Food preparation, service, safety, and nutrition. (a) If meals or snacks are served in the pro-

gram, the operator shall ensure that the following requirements are met:

(1) Sanitary practices.

(A) Each individual engaged in food preparation and food service shall know and use sanitary methods of food handling, food service, and storage.

(B) No individual shall be in the food preparation area who is vomiting, has diarrhea, or has other signs, symptoms, or positive laboratory tests indicative of an infectious illness that can be transmitted through food handling.

(C) No individual shall handle or serve food until the individual is no longer infectious as required by K.A.R. 28-1-6.

(D) Each individual involved in food handling shall comply with all of the following requirements:

(i) Hands shall be washed with soap and running water in a designated hand-washing sink immediately before the individual engages in food preparation and before the individual serves food.

(ii) If the food preparation sink is used for hand washing, the sink shall be sanitized before using it for food preparation.

(iii) Individual towels, disposable paper towels, or air dryers shall be used to dry hands.

(iv) Each individual serving food shall use utensils or single-use gloves.

(v) Each individual with infectious skin sores or with open or infected injuries on the hands or forearms shall cover the sores or injuries with a bandage when handling or serving food.

(2) Food service and preparation area. If food is prepared on the premises, each operator shall provide a food preparation area that is separate from the eating area, activity area, laundry area, and rest rooms and that is not used as a passageway during the hours of food preparation and cleanup.

(A) Surfaces used for food preparation and dining shall be made of smooth, nonporous material and shall be cleaned and sanitized before and after use.

(B) The floors shall be swept daily and mopped when spills occur.

(C) Garbage shall be disposed of in a garbage disposal or in a covered container. If a container is used, the container shall be removed at the end of the day or more often as needed to prevent overflowing or to control odor.

(3) Food storage and refrigeration.

(A) Food shall be stored at least six inches above the floor in a clean, dry, well-ventilated area that is free from vermin and rodent infestation. Dry bulk foods that are not in their original, unopened containers shall be stored in metal, glass, or food-grade plastic containers with tightly fitting covers and shall be labeled.

(B) Food shall not be stored with poisonous or toxic materials. If cleaning agents cannot be stored in a room separate from food storage areas, the cleaning agents shall be clearly labeled and kept in locked cabinets not used for the storage of food.

(C) Each refrigerator and freezer used by the operator for food storage and refrigeration shall be kept clean inside and out and shall have an interior thermometer. The temperature shall be maintained at 40°F or lower in the

refrigerator, and food stored in the freezer shall be maintained frozen.

(D) Hot foods that are to be refrigerated and stored shall be transferred to shallow containers in food layers less than three inches deep and shall not be covered until cool.

(E) All food stored in the refrigerator shall be covered, wrapped, or otherwise protected from contamination. Unserved, leftover perishable foods shall be dated, refrigerated immediately after service, and eaten within three days.

(F) Ready-to-eat commercially processed foods, including luncheon meats, cream cheese, and cottage cheese, shall be eaten within five days after opening the package.

(G) Hot foods shall be maintained at temperatures of at least 140°F.

(H) Cold foods shall be maintained at temperatures of 40°F or less.

(b) Table service.

(1) Each operator shall provide clean forks, spoons, and knives as appropriate for the food being served and shall provide one of the following:

(A) Clean cups and dishes that have smooth, hard-glazed surfaces and are free from cracks or chips; or

(B) disposable, single-use table service that is of food grade, medium weight, and disposed of after each use.

(2) If nondisposable table service and cooking utensils are used, each operator shall use one of the following methods to clean them:

(A) A commercial dishwasher for programs serving more than 30 children, or a domestic dishwasher for programs with 30 or fewer children;

(B) a three-compartment sink; or

(C) a two-compartment sink and a basin for sanitizing the table service and cooking utensils.

(c) Meals or snacks prepared on the premises.

(1) Food safety requirements. Each operator shall comply with the following requirements:

(A) Dairy products shall be pasteurized.

(B) Meat shall be from government-inspected sources.

(C) Raw fruits and vegetables shall be washed thoroughly before being eaten or used for cooking.

(D) Frozen foods shall be defrosted in the refrigerator, under cold running water, in a microwave oven using the defrost setting, or during the cooking process. Frozen foods shall not be defrosted by leaving them at room temperature or in standing water.

(2) Each operator shall ensure that the following foods are prohibited:

(A) Home-canned food;

(B) food from dented, rusted, bulging, or leaking cans; and

(C) food from cans without labels.

(d) Meals or snacks not prepared on the premises.

(1) If the operator serves a meal or snack that is not prepared on the premises, the meal shall be obtained from a food service establishment, summer feeding program, or catering service licensed by the secretary. If perishable food is transported to the premises, each operator shall serve only food that has been transported promptly in temperature-controlled, clean, covered containers.

(2)(A) Any operator may permit parents or other adults responsible for a child or youth to provide snacks and sack lunches.

(B) If sack lunches are provided either by the operator or by the parent or other adult responsible for each child or youth, each operator shall ensure that all of the following requirements are met:

(i) Each sack lunch shall be labeled with the name of the child or youth, and sack lunches shall not be shared.

(ii) Perishable foods and drinks shall be kept at the temperatures specified in paragraph (a)(3)(H) through the use of insulated sacks and either a coolant or refrigeration.

(iii) Each sack lunch shall be positioned so that neither ice nor water causes the food in the sack to become wet or contaminated.

(iv) Ice that will be ingested shall be kept wrapped and shall not come in contact with sack lunches, food, cans, or other substances.

(e) Nutrition.

(1) Each operator shall ensure that safe drinking water is readily available at all times to each individual participating in the program.

(2) Unless a policy has been approved by the secretary as specified in paragraph (e)(3) of this regulation, each operator shall ensure that meals and snacks are available to each child or youth according to the following schedule:

Length of time at the program	Food served
at least 2½ hours but fewer than 4 hours	1 snack
at least 4 hours but fewer than 8 hours	1 snack and 1 meal
at least 8 hours but fewer than 10 hours	2 snacks and 1 meal or 1 snack and 2 meals
10 hours or more	2 meals and 2 snacks

(3) Any operator of a drop-in program may develop a policy for the provision of meals and snacks that ensures that food is made available to each child or youth in the program as appropriate for the length of time the child or youth is present and that states whether or not there will be an additional cost to the parent or other adult responsible for the child or youth. This policy shall be shared with each child's or youth's parent or other adult responsible for the child or youth.

(4) Each operator of a school-age program that meets after school during the school year shall ensure that at least one snack is served daily to each child or youth who attends the program after school. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-592. Safety and emergency procedures. (a) Telephone.

(1) Each operator shall ensure that there is a working telephone readily available to the operator and staff members to receive all incoming calls and make outgoing calls during all hours of operation.

(2) A working cellular phone that is turned on during the hours of operation may be substituted for a wired telephone.

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(3) Each operator shall post emergency telephone numbers for the police, fire department, ambulance, hospital or hospitals, and poison control center next to the telephone, or shall have the numbers immediately accessible to each wired or cellular phone.

(b) Emergency plans and evacuation procedures.

(1) Emergency plans.

(A) Each operator shall develop and implement an emergency plan to provide for the safety of children, youth, and staff in emergencies including fire, tornadoes, storms, floods, serious injury, and other types of emergency specific to the geographic area in which the program is conducted.

(B) Each emergency plan shall be posted in a conspicuous place in each indoor activity area.

(C) Each staff member shall be informed of and shall follow the emergency plans.

(2) Evacuation procedures. Each operator shall practice both of the following evacuation procedures with the children and youth:

(A) Fire drills shall be conducted monthly. A record of the date and time of each fire drill and a record of each evacuation time shall be kept on file for one year.

(B) Tornado drills shall be conducted monthly during April through September. A record of the date and time of each tornado drill and a record of each evacuation time shall be kept on file for one year.

(c) First aid and cardiopulmonary resuscitation (CPR).

(1) Each operator shall ensure that there is at least one staff member on the premises who is readily available to each child or youth at all times and who has a current certification in first aid and a current certification in CPR appropriate to the age of children and youth attending the program.

(2) Each record of certification shall be kept in the staff member's file. Equivalent training or certification may be substituted for the required training or certification if approved by the secretary.

(3) First-aid supplies. Each operator shall maintain first-aid supplies in a first-aid kit, carrying case, box, or other container. The first-aid supplies shall include the following:

(A) First-aid manual;

(B) single-use gloves;

(C) adhesive bandages of assorted sizes;

(D) adhesive tape;

(E) a roll of sterile gauze;

(F) sharp scissors;

(G) packages of four-inch sterile gauze squares;

(H) a cleansing agent or pump soap;

(I) an elastic bandage;

(J) tweezers; and

(K) a bottle of water for washing and cleansing.

(d) Standard precautions for handling blood and other bodily fluids or waste. Each operator shall ensure that each staff member complies with the following standard precautions:

(1) Each individual shall wear single-use gloves in the following situations:

(A) When cleaning contaminated surfaces or areas;

(B) before dressing a cut or sore that is leaking body fluids; and

(C) when cleaning up each spill, including urine, feces, blood, saliva, vomit, and tissue discharge.

(2) Each contaminated surface or area on which a spill occurs shall be cleaned with a disinfectant solution of one-quarter cup of unscented chlorine bleach to one gallon of cool water, or an appropriate commercial disinfectant used according to the manufacturer's instructions.

(3) Care shall be taken to avoid splashing any contaminated material onto any mucous membrane, including eyes, nose, and mouth.

(4) Each mop used to clean up a contaminated area shall be cleaned and rinsed in a disinfecting solution, wrung as dry as possible, and hung to dry.

(5) Each paper towel, sponge, or other material used for cleaning up a contaminated area shall be placed in a plastic bag with a secure tie and thrown away in a covered container.

(e) Emergency medical care.

(1) If a child or youth needs emergency medical care and is taken to an emergency care source, each operator shall ensure that the parent or other adult responsible for the child or youth is notified immediately and shall make the following documents and information immediately available to emergency care personnel:

(A) The child's or youth's health history;

(B) the name, address, and telephone number of the following individuals:

(i) The parent or other adult responsible for the child or youth;

(ii) a designated emergency contact; and

(iii) the physician designated by the parent or other adult to be called in case of emergency; and

(C) authorization for emergency medical care.

(2) If the operator has been unable to obtain the necessary documents as specified in K.A.R. 28-4-582, the operator shall follow the plan approved by the secretary.

(3) A staff member shall accompany a child or youth to the source of emergency care and shall remain with the child or youth until a parent or other responsible adult assumes responsibility for the child or youth. When a staff member goes to the source of emergency care with a child or youth, the operator shall ensure that there is an adequate number of staff members available to supervise the remaining children and youth in the program.

(f) Reporting illnesses.

(1) If a child or youth becomes ill while attending the program, the operator shall immediately notify the parent or other adult responsible for the child or youth.

(2) If an operator, staff member, child, or youth in a program contracts a reportable infectious or contagious disease specified in K.A.R. 28-1-2 and K.A.R. 28-1-18, the operator shall report the disease to the local county health department by the next working day. The operator shall follow the protocol recommended by the county health department and shall cooperate fully with any investigation, disease control, or surveillance procedures initiated by the county health department or the department of health and environment.

(g) Reporting critical incidents.

(1) Each operator shall report the following critical incidents immediately to each parent or other adult re-

sponsible for a child or youth affected by the critical incident, on a form supplied by the department:

(A) Fire damage or other damage to the building, or damage to the property that affects the structure of the building or safety of the children and youth;

(B) a vehicle accident involving children or youth;

(C) a missing child or youth;

(D) physical restraint of a child or youth by staff members;

(E) the injury of a child or youth that requires medical attention;

(F) the death of a child, youth, or staff member; and

(G) any other incident that jeopardizes the safety of any child or youth.

(2) Each operator shall report each critical incident specified in paragraph (g)(1) of this regulation to the secretary's designee by the next working day, on a form supplied by the department. However, the use of physical restraint shall be reported to the secretary if an injury or bruising occurs. A copy of each critical incident report shall be kept on file for not less than one year on the premises or at a designated central office location and shall be accessible for review by the secretary's designee.

(3) Each operator shall ensure that a report is made to the secretary's designee of all known facts concerning the time, place, manner, and circumstances of the death of a child or a youth attending the program when submitting a critical incident report as specified in paragraph (g)(1) of this regulation.

(4) Each operator and each staff member shall report suspected child abuse or child neglect, as follows:

(A) Immediately, by telephone or in writing, to the secretary of the department of social and rehabilitation services; and

(B) by the next working day to the secretary's designee, on a form supplied by the department. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-593. Program-sponsored transportation. (a) If the operator provides or arranges for transportation for children and youth to and from the premises or for program-sponsored activities, the operator shall ensure that prior written permission is obtained for each child or youth to be transported as specified in K.A.R. 28-4-582. The operator shall ensure that the authorization for emergency medical care for each child or youth is in the vehicle in which the children or youth are being transported or is immediately available to emergency personnel. If the operator is unable to obtain written permission or authorization for emergency medical care, the operator shall follow the plan approved by the secretary as specified in K.A.R. 28-4-582.

(b) Transportation safety.

(1) Each operator shall ensure that the following transportation safety requirements are met while transporting children or youth:

(A) No child or youth under 13 years of age shall be seated in the front seat of a vehicle that is equipped with a passenger air bag.

(B) No child or youth shall be transported in a trailer pulled by another vehicle, a camper shell, or a truck bed.

(C) Each vehicle that is owned or leased by the operator and is used to transport children or youth shall be maintained in safe operating condition and shall contain a first-aid kit.

(2) Each driver shall comply with the following safety requirements:

(A) Be 18 years of age or older, hold an operator's license of the type appropriate for the vehicle being used, and observe all traffic laws;

(B) not allow the capacity of the transporting vehicle to be exceeded;

(C) remove accumulated trash from the transporting vehicle daily;

(D) lock or have under control each vehicle door while the vehicle is in motion;

(E) maintain order in the vehicle and ensure that all parts of each passenger's body remain inside the vehicle at all times;

(F) not permit any child or youth to enter the vehicle from or exit the vehicle into a traffic lane;

(G) leave no child or youth unattended in the vehicle at any time and, when the vehicle is vacated, ensure that no child or youth is left in the vehicle;

(H) prohibit smoking in the vehicle while children or youth are in the vehicle;

(I) not use a cellular phone while the vehicle is in motion; and

(J) transport each child or youth directly to the location designated by the operator and make no unauthorized stops along the way except in an emergency.

(d) Vehicle seat belt restraints.

(1) Except as specified in paragraph (d)(2), each operator shall ensure that each driver and each child or youth uses an individual seat belt restraint and that no more than one child or youth is restrained in each seat belt.

(2) If buses of the type used by schools are used to transport children and youth and are not equipped with individual restraints, no operator shall be required to install individual restraints. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-594. Swimming, wading, and water activities. (a) General.

(1) Each operator shall have written permission on file as specified in K.A.R. 28-4-582 for each child or youth participating in water activities.

(2) Each operator shall ensure that an individual who can swim and who has a current certificate in first aid and a current certificate in CPR appropriate to the age of the children and youth attending the program is in attendance if children or youth are participating in water activities.

(3) Each activity shall be conducted with strict regard for the life and safety of each child and youth.

(4) Each staff member responsible for the supervision of children or youth who are participating in swimming, wading or water activities shall review the safety rules with each child or youth before the child or youth participates in the activity.

(5) Each operator shall ensure that no child or youth is permitted to dive from a diving board unless the require-

(continued)

ments governing high-risk sports and recreational activities as specified in K.A.R. 28-4-588 are met.

(b) Swimming pools on the premises.

(1) Safety and maintenance. Each operator shall ensure that the following requirements for safety and maintenance are met:

(A) The water in each swimming pool shall be maintained between pH 7.2 and pH 7.6. The available free chlorine content shall be between 1.0 and 3.0 parts per million.

(B) Each swimming pool shall be cleaned daily, and the chlorine level and pH level shall be tested daily during the swimming season. The results of these tests shall be recorded and kept on file at the premises.

(C) Each swimming pool more than six feet in width, length, or diameter shall be provided with a ring buoy and rope or with a shepherd's hook. This equipment shall be long enough to reach the center of the pool from the edge of the pool.

(D) A sensor or a remote monitor shall not be used in lieu of a fence around each swimming pool.

(E) During the months a swimming pool is not in use, the pool shall be covered with a safety cover.

(F) If a swimming pool on the premises is to be used by children or youth enrolled in the program, the operator shall ensure that legible safety rules for the use of the pool are posted in a conspicuous location.

(2) In-ground swimming pools. Each operator shall ensure that the following requirements are met:

(A) Each in-ground swimming pool located outdoors shall be enclosed by a five-foot fence on all four sides to prevent chance access by children and youth. The fence shall have a gate that has a self-closing latch with a locking device.

(B) If an in-ground swimming pool is within a building, the building shall be designed to prevent unsupervised access to the pool by each child and youth.

(C) Each in-ground swimming pool shall be surrounded by a nonskid surface that is at least four feet wide, is in good repair, and is free of tears, breaks, and splinters.

(3) Aboveground swimming pools. Each operator shall ensure that the following requirements are met:

(A) Each aboveground swimming pool shall have sides at least five feet high or shall be enclosed by a five-foot fence. Side extenders may be installed to increase the height of the sides of the swimming pool.

(B) Ladders shall be removed when the aboveground pool is not in use.

(4) Swimming pools operated by governmental entity. Each swimming pool operated by a governmental entity for public use shall be governed by the entity's policies and regulations on pool safety and maintenance and shall meet the regulations applicable to swimming pools included in this regulation, with the exception of paragraphs (b)(1)(A) and (B).

(c) Wading pools. The water in each wading pool shall be emptied immediately after use.

(d) Spas and hot tubs. Each spa or hot tub shall be covered with an insulated cover, which shall be secured by locks when the spa or hot tub is not in use.

(e) Ponds, rivers, and lakes on or off the premises. If a pond, river, or lake is used for swimming, the operator shall ensure that the body of water is approved for swimming by one of the following:

(1) The local health department of the county in which the swimming site is located, if the swimming site is in Kansas;

(2) the secretary; or

(3) the designated authority in the state in which the swimming site is located, if the swimming site is not in Kansas. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-595. Animals on the premises. (a)(1) If animals are kept on the premises, each operator shall ensure that each area in which an animal is permitted is maintained in a clean and sanitary manner, with no evidence of flea, tick, or worm infestation in the area.

(2) Each operator shall prohibit poisonous animals, pit bulls, and other animals that present a health or safety hazard to children and youth on the premises, unless the animals are displayed as part of an animal exhibit and are supervised at all times by trained animal care personnel.

(b) Each operator shall ensure that animals are not present in the following areas:

(1) The kitchen while food is being prepared;

(2) the dining area while children or youth are eating; and

(3) each food storage area.

(c) Each staff member and each child or youth shall wash that individual's hands with soap and water after handling animals, animal food, and animal wastes.

(d) Each operator shall ensure that each domesticated cat, dog, or ferret on the premises has a current rabies vaccination. A record of each vaccination shall be kept on file on the premises or at a designated central office location and shall be available for review by the secretary's designee.

(e) Each operator shall ensure that each child or youth is taught safe procedures to follow when handling animals. The operator or staff member supervising the activity shall separate a child or youth from an animal immediately if either of the following occurs:

(1) The animal shows signs of distress or aggression.

(2) The child or youth shows signs of treating the animal inappropriately.

(f) If a child or youth is injured by an animal, the operator shall immediately notify the parent or other adult responsible for the child or youth about the injury. The operator shall submit a critical incident report about the injury to the secretary's designee by the next working day. The operator shall keep a copy of the incident report in the child's or youth's file. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

28-4-596. Day reporting program. (a)(1) Each operator conducting a day reporting program shall comply with the requirements specified in this regulation and the requirements in K.A.R. 28-4-577 through K.A.R. 28-4-584,

K.A.R. 28-4-587, and K.A.R. 28-4-589 through K.A.R. 28-4-592.

(2) Each operator shall meet the following requirements if the secretary determines that they are applicable to the program and services:

(A) K.A.R. 28-4-576;

(B) K.A.R. 28-4-585 through K.A.R. 28-4-586; and

(C) K.A.R. 28-4-593 through K.A.R. 28-4-595.

(3) If the requirements of this regulation appear to conflict with any other regulation governing school-age programs, the more stringent regulation shall apply.

(b)(1) Each operator shall ensure that the program is administered by an individual with job-related experience working with juvenile offenders, and with a knowledge of laws and standards governing programs for juvenile offenders.

(2) Each operator shall ensure that each child or youth who attends the program is 10 years of age or older and meets one of the following criteria:

(A) The child or youth is in the custody of the juvenile justice authority.

(B) The child or youth is court-ordered to attend.

(C) The child or youth is required to attend as a condition of diversion, probation, or release from a juvenile correctional facility, or diverted by the court from direct commitment to a juvenile correctional program.

(c) Each operator conducting a day reporting program shall develop and implement an IPP for each child or youth, which shall include any combination of the following:

(1) Assistance to each child or youth in organizing a daily schedule of activities;

(2) monitoring the child's or youth's court orders;

(3) situational counseling and referrals, if needed;

(4) conflict resolution and crisis intervention;

(5) contact with each child's or youth's parent or other adult responsible for the child or youth;

(6) drug testing and substance abuse education;

(7) pregnancy prevention and human sexuality education;

(8) assistance with educational and vocational needs;

(9) employment training, as appropriate; and

(10) community service work.

(d) Each operator shall keep the following in the child's or youth's file:

(1) The information required by K.A.R. 28-4-582;

(2) the child's or youth's legal status as specified in paragraph (b)(2);

(3) the date the child or youth was admitted to the program;

(4) intake information for each child or youth gathered at the time of admission;

(5) a summary of the child's or youth's daily activities;

(6) the IPP, progress reports, and any changes made in the plan;

(7) the discharge summary; and

(8) any critical incident reports.

(e)(1) Each operator shall establish written rules of child and youth conduct that define expected behaviors and related consequences. Each operator shall give each child or youth attending the program a rule book specifying the expected behaviors, ranges of consequences, and disciplinary procedures.

(2) Each operator shall obtain a signed acknowledgment from each child or youth that the child or youth has received a copy of the rule book and understands it. The signed acknowledgment shall be kept in the child's or youth's file.

(f) Each operator shall ensure that child and youth services are coordinated with the referring agency or the court, the local mental health center, the local school district, and the local health department, as necessary to implement the day reporting program.

(g) The supervisory ratio shall be one staff member for every 10 children and youth attending the day reporting program. The maximum group size shall not exceed 20 children or youth.

(1) Each operator shall ensure that each group has a program director who meets the following qualifications:

(A) Is 21 years of age or older;

(B) meets the staff qualifications for a program director for the licensed capacity of the program, as specified in K.A.R. 28-4-587; and

(C) has knowledge and experience working with juvenile offenders, high-risk children and youth, community youth programs, or social service programs serving children and youth.

(2) Each operator shall ensure that each group has a group leader who meets the following qualifications:

(A) Is 21 years of age or older;

(B) meets the staff qualifications for group leader as specified in K.A.R. 28-4-587; and

(C) has knowledge and experience working with juvenile offenders, high-risk children and youth, community youth programs, or social service programs serving children and youth.

(3) Each operator shall ensure that each group has an assistant group leader who meets the following qualifications:

(A) Is 18 years of age or older and at least three years older than the oldest child and youth in the group to which the assistant group leader is assigned;

(B) meets the qualifications for an assistant group leader as specified in K.A.R. 28-4-587; and

(C) has experience working with children and youth. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028760

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes and 2002 Supplement to the *Kansas Administrative Regulations*.

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Reg. No.	Action	Register
1-2-31	Amended	V. 21, p. 767
1-2-42	Amended	V. 21, p. 767
1-2-42a	Amended	V. 21, p. 767
1-2-48	Revoked	V. 21, p. 767
1-5-22	Amended	V. 21, p. 767
1-5-29	Amended	V. 21, p. 767
1-6-3	Amended	V. 21, p. 767
1-6-21	Amended	V. 21, p. 768
1-6-26a	New	V. 21, p. 768
1-9-4	Amended	V. 21, p. 768
1-9-5	Amended	V. 21, p. 769
1-9-7b	Amended	V. 21, p. 2048
1-11-1	Amended	V. 21, p. 770
1-14-12a	Revoked	V. 21, p. 770
1-16-18	Amended	V. 21, p. 146
1-45-15	Amended (T)	V. 21, p. 1942
1-45-16	Amended (T)	V. 21, p. 1942

AGENCY 3: KANSAS STATE TREASURER

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3-2-3	Amended	V. 21, p. 1944

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-1-17	Amended (T)	V. 21, p. 1174
4-1-17	Amended	V. 21, p. 1749
4-4-2	Amended	V. 21, p. 1749
4-7-2	Amended	V. 21, p. 2020
4-7-3	Amended	V. 21, p. 2020
4-7-4	Amended	V. 21, p. 2020
4-7-6	Amended	V. 21, p. 2021
4-7-213	Amended	V. 21, p. 2021
4-7-213a	Revoked	V. 21, p. 2021
4-7-214	Amended	V. 21, p. 2021
4-7-216	Amended	V. 21, p. 2021
4-7-408	Revoked	V. 21, p. 2021
4-7-507	Amended	V. 21, p. 2021
4-7-510	Amended	V. 21, p. 2021
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4-7-513	Revoked	V. 21, p. 2022
4-7-530	Amended	V. 21, p. 2022
4-7-531	Amended	V. 21, p. 2022
4-7-532	Amended	V. 21, p. 2022
4-7-533	Amended	V. 21, p. 2022
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4-7-720	Revoked	V. 21, p. 2023
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4-7-804	New	V. 21, p. 2023
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26-8-7	Amended	V. 21, p. 1748
26-8-8	Amended (T)	V. 21, p. 1173
26-8-8	Amended	V. 21, p. 1748
26-8-9	Revoked (T)	V. 21, p. 1173
26-8-9	Revoked	V. 21, p. 1748
26-8-12	Revoked (T)	V. 21, p. 1173

26-8-12	Revoked	V. 21, p. 1748
26-8-13	Revoked (T)	V. 21, p. 1173
26-8-13	Revoked	V. 21, p. 1748
26-8-14	Revoked (T)	V. 21, p. 1173
26-8-14	Revoked	V. 21, p. 1748
26-8-15	New (T)	V. 21, p. 1173
26-8-15	New	V. 21, p. 1748
26-11-1	New	V. 21, p. 1405
26-11-2	New	V. 21, p. 1405
26-11-3	New	V. 21, p. 1405

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-18	Amended (T)	V. 21, p. 1405
28-1-18	Amended	V. 21, p. 1920
28-4-269	Amended (T)	V. 21, p. 497
28-4-269	Amended	V. 21, p. 1167
28-4-331	Amended (T)	V. 21, p. 498
28-4-331	Amended	V. 21, p. 1168
28-4-351	Amended (T)	V. 21, p. 500
28-4-351	Amended	V. 21, p. 1170
28-4-576		
through		
28-4-596	New (T)	V. 21, p. 597-616
28-14-1	Amended	V. 21, p. 1791
28-14-2	Amended	V. 21, p. 1791
28-16-28b		
through		
28-16-28e	Amended	V. 21, p. 2096-2012
28-17-6	Amended (T)	V. 21, p. 1171
28-17-6	Amended	V. 21, p. 1704
28-19-17	Amended	V. 21, p. 1892
28-19-17a		
through		
28-19-17q	Revoked	V. 21, p. 1892
28-19-75	Revoked	V. 21, p. 1325
28-19-350	New	V. 21, p. 1892
28-19-564	Amended	V. 21, p. 1581
28-19-714	New	V. 21, p. 1325
28-29-18	Revoked	V. 21, p. 310
28-29-29	Amended	V. 21, p. 310
28-29-2201	New	V. 21, p. 310
28-31-1	Amended	V. 21, p. 1511
28-31-2	Amended	V. 21, p. 1512
28-31-3	Amended	V. 21, p. 1512
28-31-4	Amended	V. 21, p. 1512
28-31-6	Amended	V. 21, p. 1517
28-31-8	Amended	V. 21, p. 1518
28-31-8b	Amended	V. 21, p. 1519
28-31-9	Amended	V. 21, p. 1519
28-31-10	Amended	V. 21, p. 1519
28-31-10a	Amended	V. 21, p. 1520
28-31-11	Revoked	V. 21, p. 1520
28-31-14	Amended	V. 21, p. 1520
28-31-15	Amended	V. 21, p. 1520
28-31-16	Amended	V. 21, p. 1520
28-55-3	Amended	V. 21, p. 311
28-55-5	Amended	V. 21, p. 311
28-72-1		
through		
28-72-4	Amended	V. 21, p. 1944-1948
28-72-4a	Amended	V. 21, p. 1952
28-72-4b	Amended	V. 21, p. 1954
28-72-4c	Amended	V. 21, p. 1955
28-72-5		
through		
28-72-18	Amended	V. 21, p. 1957-1971
28-72-18e	Amended	V. 21, p. 1973
28-72-19	Amended	V. 21, p. 1974
28-72-21	Amended	V. 21, p. 1974

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-90	Amended	V. 21, p. 1005
30-5-64	Amended	V. 21, p. 1943
30-5-94	Amended	V. 21, p. 2049
30-5-101	Revoked	V. 21, p. 1007
30-5-101a	Revoked	V. 21, p. 2049
30-5-108a	Amended	V. 21, p. 2049
30-5-300	Amended	V. 21, p. 1007
30-5-308	Amended	V. 21, p. 2049
30-6-86	Amended	V. 21, p. 2049
30-6-88	New	V. 21, p. 1010

30-6-94	Amended	V. 21, p. 506
30-6-103	Amended	V. 21, p. 2050
30-6-107	Amended	V. 21, p. 1011
30-6-109	Amended	V. 21, p. 1011
30-6-112	Amended	V. 21, p. 1013
30-10-1a	Amended	V. 21, p. 506
30-10-2	Amended	V. 21, p. 508
30-10-6	Amended	V. 21, p. 1014
30-10-7	Amended	V. 21, p. 509
30-10-11	Amended	V. 21, p. 1015
30-10-15a	Amended	V. 21, p. 1017
30-10-15b	Amended	V. 21, p. 1018
30-10-17	Amended	V. 21, p. 2050
30-10-18	Amended	V. 21, p. 2052
30-10-19	Amended	V. 21, p. 1023
30-10-21	Amended	V. 21, p. 1024
30-10-23a	Amended	V. 21, p. 2055
30-10-24	Amended	V. 21, p. 1025
30-10-25	Amended	V. 21, p. 1026
30-10-27	Amended	V. 21, p. 1027
30-10-29	Revoked	V. 21, p. 1028
30-12-16		
through		
30-12-22	Revoked	V. 21, p. 331
30-13-17		
through		
30-13-26	Revoked	V. 21, p. 331
30-64-20	Amended	V. 21, p. 80
30-64-22	Amended	V. 21, p. 80
30-64-23	Amended	V. 21, p. 80
30-64-24	Amended	V. 21, p. 1310
30-64-30	Amended	V. 21, p. 81
30-64-31	Amended	V. 21, p. 81
30-64-32	Amended	V. 21, p. 82
30-64-34	Revoked	V. 21, p. 82

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-43	Amended	V. 21, p. 451
40-1-46	Amended	V. 21, p. 212
40-1-47	New	V. 21, p. 588
40-1-48	Amended	V. 21, p. 1056
40-1-49	New	V. 21, p. 1703
40-2-22	Revoked	V. 21, p. 589
40-4-37	Amended	V. 21, p. 741
40-4-37k	Amended	V. 21, p. 1272
40-4-37q	New	V. 21, p. 1272
40-4-37s	New	V. 21, p. 743
40-4-37t	New	V. 21, p. 1272
40-4-37u	New	V. 21, p. 1370

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-4-103	Revoked	V. 21, p. 309
44-4-104	Revoked	V. 21, p. 309
44-4-106		
through		
44-4-109	Revoked	V. 21, p. 309
44-5-101	Revoked	V. 21, p. 309
44-5-103	Revoked	V. 21, p. 309
44-5-107		
through		
44-5-110	Revoked	V. 21, p. 309
44-5-113	Revoked	V. 21, p. 309
44-5-114	Revoked	V. 21, p. 309
44-6-101	Amended	V. 21, p. 1406
44-6-106	Amended	V. 21, p. 1407
44-6-107	Amended	V. 21, p. 1407
44-6-108	Amended	V. 21, p. 1408
44-6-114c	Amended	V. 21, p. 1408
44-6-114d	New	v. 21, p. 1409
44-6-114e	New	V. 21, p. 1409
44-6-115	Revoked	V. 21, p. 1415
44-6-115a	New	V. 21, p. 1415
44-6-115b	New	V. 21, p. 1415
44-6-115c	New	V. 21, p. 1417
44-6-117	Revoked	V. 21, p. 1418
44-6-120	Revoked	V. 21, p. 1418
44-6-124	Revoked	V. 21, p. 1418
44-6-125	Amended	V. 21, p. 1418
44-6-126	Amended	V. 21, p. 1419
44-6-133	Revoked	V. 21, p. 1419
44-6-134	Amended	V. 21, p. 1419

44-6-136	Amended	V. 21, p. 1419
44-6-136a	Amended	V. 21, p. 1420
44-6-137	Amended	V. 21, p. 1420
44-6-138	Amended	V. 21, p. 1420
44-6-140	Amended	V. 21, p. 1421
44-6-140a	Amended	V. 21, p. 1421
44-6-141	Amended	V. 21, p. 1421
44-6-142	Revoked	V. 21, p. 1421
44-6-143	Amended	V. 21, p. 1421
44-6-146	Revoked	V. 21, p. 1422
44-7-102	Revoked	V. 21, p. 309
44-7-103	Revoked	V. 21, p. 309
44-7-105	Revoked	V. 21, p. 309
44-7-106	Revoked	V. 21, p. 309
44-7-107	Revoked	V. 21, p. 309
44-7-109	Revoked	V. 21, p. 309
44-7-112	Revoked	V. 21, p. 309
44-7-114	Revoked	V. 21, p. 309
44-7-115	Revoked	V. 21, p. 309
44-7-116	Revoked	V. 21, p. 309
44-8-110		
through		
44-8-114	Revoked	V. 21, p. 309
44-11-111	Amended	V. 21, p. 335
44-11-112	Revoked	V. 21, p. 336
44-11-113	Amended	V. 21, p. 336
44-11-114	Revoked	V. 21, p. 336
44-11-115	Revoked	V. 21, p. 336
44-11-119	Amended	V. 21, p. 336
44-11-120	Amended	V. 21, p. 336
44-11-121	Amended	V. 21, p. 337
44-11-122	Revoked	V. 21, p. 337
44-11-123	Amended	V. 21, p. 337
44-11-124	Revoked	V. 21, p. 337
44-11-127	Amended	V. 21, p. 337
44-11-129	Amended	V. 21, p. 338
44-11-130	Amended	V. 21, p. 338
44-11-131	Amended	V. 21, p. 339
44-11-132	Amended	V. 21, p. 339
44-11-133	Amended	V. 21, p. 339
44-11-135	Amended	V. 21, p. 339
44-12-103	Amended	V. 21, p. 117
44-12-105	Amended	V. 21, p. 117
44-12-106	Amended	V. 21, p. 117
44-12-107	Amended	V. 21, p. 117
44-12-201		
through		
44-12-205	Amended	V. 21, p. 118
44-12-210	Amended	V. 21, p. 118
44-12-303	Amended	V. 21, p. 118
44-12-305	Amended	V. 21, p. 118
44-12-306	Amended	V. 21, p. 119
44-12-307	Amended	V. 21, p. 119
44-12-309	Amended	V. 21, p. 119
44-12-310	Amended	V. 21, p. 119
44-12-312	Amended	V. 21, p. 119
44-12-313	Amended	V. 21, p. 119
44-12-314	Amended	V. 21, p. 119
44-12-318	Amended	V. 21, p. 120
44-12-320	Revoked	V. 21, p. 120
44-12-321	Amended	V. 21, p. 120
44-12-325	Amended	V. 21, p. 120
44-12-326	Revoked	V. 21, p. 120
44-12-327	Amended	V. 21, p. 120
44-12-328	Amended	V. 21, p. 120
44-12-401	Amended	V. 21, p. 120
44-12-501	Amended	V. 21, p. 121
44-12-503	Amended	V. 21, p. 121
44-12-504	Amended	V. 21, p. 121
44-12-505b	Amended	V. 21, p. 121
44-12-601	Amended	V. 21, p. 121
44-12-602	Amended	V. 21, p. 123
44-12-702	Amended	V. 21, p. 123
44-12-801	Amended	V. 21, p. 123
44-12-902	Amended	V. 21, p. 123
44-12-1002	Amended	V. 21, p. 123
44-12-1306	Amended	V. 21, p. 123
44-12-1307	Amended	V. 21, p. 124
44-13-101	Amended	V. 21, p. 151
44-13-104	Revoked	V. 21, p. 151
44-13-105	Amended	V. 21, p. 151
44-13-106	Amended	V. 21, p. 151
44-13-201	Amended	V. 21, p. 152

(continued)

44-13-201b	Amended	V. 21, p. 153
44-13-202	Amended	V. 21, p. 153
44-13-302a	Revoked	V. 21, p. 153
44-13-304	Revoked	V. 21, p. 153
44-13-306	New	V. 21, p. 154
44-13-307	New	V. 21, p. 154
44-13-401	Amended	V. 21, p. 154
44-13-401a	Revoked	V. 21, p. 154
44-13-402	Amended	V. 21, p. 154
44-13-403	Amended	V. 21, p. 155
44-13-404	Amended	V. 21, p. 156
44-13-405a	Amended	V. 21, p. 157
44-13-406	Amended	V. 21, p. 158
44-13-408	Amended	V. 21, p. 158
44-13-409	Amended	V. 21, p. 158
44-13-501	Amended	V. 21, p. 158
44-13-502a	Amended	V. 21, p. 158

44-13-506	through	
44-13-509	Amended	V. 21, p. 158, 159
44-13-601	Amended	V. 21, p. 159
44-13-603	Amended	V. 21, p. 159
44-13-610	Amended	V. 21, p. 159

44-13-701	through	
44-13-704	Amended	V. 21, p. 159, 160
44-13-705	Revoked	V. 21, p. 161
44-13-706	Amended	V. 21, p. 161
44-13-707	Amended	V. 21, p. 161
44-14-101	Revoked	V. 21, p. 83
44-14-102	Revoked	V. 21, p. 83
44-14-201	Revoked	V. 21, p. 83
44-14-202	Revoked	V. 21, p. 83

44-14-301	through	
44-14-318	Revoked	V. 21, p. 83
44-15-101	Amended	V. 21, p. 84
44-15-101a	Amended	V. 21, p. 84
44-15-102	Amended	V. 21, p. 85
44-15-201	Amended	V. 21, p. 86
44-16-102	Amended	V. 21, p. 86
44-16-103	Revoked	V. 21, p. 86
44-16-104	Revoked	V. 21, p. 86
44-16-105	Amended	V. 21, p. 86
44-16-106	Revoked	V. 21, p. 86
44-16-107	Revoked	V. 21, p. 86
44-16-108	Revoked	V. 21, p. 86

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-1-1	Revoked	V. 21, p. 1894
45-4-4	through	
45-4-7	Revoked	V. 21, p. 1894
45-4-9	Revoked	V. 21, p. 1894
45-6-1	Revoked	V. 21, p. 1894
45-6-2	Revoked	V. 21, p. 1894
45-6-3	Revoked	V. 21, p. 1894
45-6-5	Revoked	V. 21, p. 1894
45-7-1	through	
45-7-5	Revoked	V. 21, p. 1894
45-9-1	through	
45-9-4	Revoked	V. 21, p. 1894
45-10-1	Revoked	V. 21, p. 1894
45-11-1	Revoked	V. 21, p. 1895
45-14-1	Revoked	V. 21, p. 1895
45-16-2	Revoked	V. 21, p. 1895
45-16-3	Revoked	V. 21, p. 1895
45-16-4	Revoked	V. 21, p. 1895
45-100-1	New	V. 21, p. 1895
45-200-1	New	V. 21, p. 1895
45-200-2	New	V. 21, p. 1896
45-300-1	New	V. 21, p. 1896
45-300-2	New	V. 21, p. 1896

45-400-1	through	
45-400-4	New	V. 21, p. 1896, 1897
45-500-1	through	
45-500-4	New	V. 21, p. 1897, 1898
45-600-1	New	V. 21, p. 1899
45-700-1	New (T)	V. 21, p. 1328
45-700-1	New	V. 21, p. 1900

45-700-2	New (T)	V. 21, p. 1328
45-700-2	New	V. 21, p. 1900
45-800-1	New	V. 21, p. 1900

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-2-6	New	V. 21, p. 864
51-3-1	through	
51-3-4	Amended	V. 21, p. 864-865
51-9-12	through	
51-9-14	Revoked	V. 21, p. 865
51-9-15	New	V. 21, p. 1224
51-9-16	New	V. 21, p. 1271
51-10-6	Revoked	V. 21, p. 865
51-17-1	Revoked	V. 21, p. 865
51-24-1	Amended	V. 21, p. 865
51-24-3	Amended	V. 21, p. 865
51-24-4	Amended	V. 21, p. 866

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-2-101	Amended	V. 21, p. 840
60-3-106	Amended	V. 21, p. 840
60-3-110	Amended	V. 21, p. 1764
60-3-112	Amended	V. 21, p. 1764
60-4-103	Amended	V. 21, p. 841
60-9-105	Amended	V. 21, p. 1765
69-9-107	Amended	V. 21, p. 1765
60-11-116	Amended	V. 21, p. 316
60-11-121	Amended	V. 21, p. 1767
60-13-103	Amended	V. 21, p. 316
60-13-110	Amended	V. 21, p. 317
60-16-101	Amended	V. 21, p. 841
60-16-103	Amended	V. 21, p. 842
60-16-104	Amended	V. 21, p. 842

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-23	New	V. 21, p. 659
63-3-22	New	V. 21, p. 659
63-3-23	New	V. 21, p. 659
63-4-1	Amended	V. 21, p. 659
63-7-1	through	
63-7-8	New	V. 21, p. 660-662

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 21, p. 183

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-8-4	Amended	V. 21, p. 1789
66-9-5	Amended	V. 21, p. 1789
66-10-1	Amended	V. 21, p. 1789
66-10-9	Amended	V. 21, p. 1789
66-10-10b	New	V. 21, p. 1789
66-10-13	Amended	V. 21, p. 1790
66-11-1a	New	V. 21, p. 1790
66-11-1b	New	V. 21, p. 1790
66-11-5	New	V. 21, p. 1790
66-14-6	Amended	V. 21, p. 1790

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1a	Amended	V. 21, p. 746
68-1-1e	Revoked	V. 21, p. 308
68-1-2a	Amended	V. 21, p. 746
68-1-3	Revoked	V. 21, p. 308
68-1-3a	Amended	V. 21, p. 746
68-2-5	Amended	V. 21, p. 308
68-9-1	Amended	V. 21, p. 308

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-7	Amended	V. 21, p. 1867
74-4-8	Amended	V. 21, p. 1867
74-4-9	Amended	V. 21, p. 1901
74-5-101	Amended	V. 21, p. 1868
74-5-102	Amended	V. 21, p. 1868

74-5-202	Amended	V. 21, p. 1869
74-5-302	Amended	V. 21, p. 1869
74-5-401	Amended	V. 21, p. 1869
74-5-406	Amended	V. 21, p. 1869
74-7-4	New	V. 21, p. 1870
74-11-6	Amended	V. 21, p. 1870
74-11-7	Amended	V. 21, p. 1870

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-105	Amended (T)	V. 21, p. 1175
82-3-105	Amended	V. 21, p. 1750
82-3-113	Amended (T)	V. 21, p. 1175
82-3-113	Amended	V. 21, p. 1750
82-3-114	Amended (T)	V. 21, p. 1176
82-3-114	Amended	V. 21, p. 1751
82-3-117	Amended (T)	V. 21, p. 1176
82-3-117	Amended	V. 21, p. 1751
82-3-120	Amended (T)	V. 21, p. 1176
82-3-120	Amended	V. 21, p. 1751
82-3-311	Amended (T)	V. 21, p. 1178
82-3-311	Amended	V. 21, p. 1753
82-3-312	Amended	V. 21, p. 117
82-3-400	Amended	V. 21, p. 383
82-3-401	Amended	V. 21, p. 383
82-3-401a	Revoked	V. 21, p. 384
82-3-401b	Revoked	V. 21, p. 384

82-3-402	through	
82-3-410	Amended	V. 21, p. 384-389
82-3-411	New	V. 21, p. 389
82-3-412	New	V. 21, p. 390

82-3-1000	through	
82-3-1012	New (T)	V. 21, p. 1178-1188
82-3-1000	through	
82-3-1012	New	V. 21, p. 1753-1763
82-4-22	Amended (T)	V. 21, p. 1329
82-4-22	Amended	V. 21, p. 1702

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-19	New	V. 21, p. 1814
86-3-15	Amended	V. 21, p. 1814

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-5-1	through	
88-5-4	Revoked	V. 21, p. 1705
88-6-1	Revoked	V. 21, p. 1705
88-6-2	Revoked	V. 21, p. 1705
88-6-3	Revoked	V. 21, p. 1705
88-16-1a	Revoked (T)	V. 21, p. 501
88-16-1a	Revoked	V. 21, p. 1166
88-16-1b	New (T)	V. 21, p. 501
88-16-1b	New	V. 21, p. 1166
88-24-1	New	V. 21, p. 1705
88-24-2	New	V. 21, p. 1705

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-146a	through	
91-1-146e	Revoked	V. 21, p. 178
91-1-205	Amended	V. 21, p. 1583
91-1-206	Amended	V. 21, p. 178
91-1-215	through	
91-1-219	New	V. 21, p. 178-180
91-10-1a*	Revoked	V. 21, p. 1705
91-10-2*	Revoked	V. 21, p. 1705

(*By Board of Regents)

91-32-1	through	
91-32-9	Revoked	V. 21, p. 1867

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-1-1	Revoked	V. 21, p. 332
92-1-2	Revoked	V. 21, p. 332
92-1-3	Revoked	V. 21, p. 332
92-5-4	Revoked	V. 21, p. 312

92-5-5		
through		
92-5-10	Amended	V. 21, p. 312, 313
92-5-11	Revoked	V. 21, p. 313
92-5-12	Amended	V. 21, p. 313
92-5-13	Amended	V. 21, p. 313
92-8-20	Revoked	V. 21, p. 332
92-9-1	Amended	V. 21, p. 332
92-9-3	Amended	V. 21, p. 332
92-9-4	Amended	V. 21, p. 332
92-9-5	Amended	V. 21, p. 332
92-9-7	Revoked	V. 21, p. 332
92-11-1		
through		
92-11-16	Revoked	V. 21, p. 332, 333
92-12-4	Amended	V. 21, p. 586
92-12-11	Amended	V. 21, p. 586
92-12-29	Revoked	V. 21, p. 586
92-12-47	Amended	V. 21, p. 586
92-12-56	Revoked	V. 21, p. 587
92-12-58	Amended	V. 21, p. 587
92-12-67	Amended	V. 21, p. 587
92-12-68	Revoked	V. 21, p. 587
92-12-105	Amended	V. 21, p. 587
92-12-106	Amended	V. 21, p. 587
92-12a-1		
through		
92-12a-23	Revoked	V. 21, p. 333, 334
92-14-4		
through		
92-14-9	Amended	V. 21, p. 334, 335
92-15-3	Amended	V. 21, p. 335
92-15-4	Amended	V. 21, p. 335
92-15-8	Amended	V. 21, p. 335
92-17-1		
through		
92-17-6	Amended	V. 21, p. 313, 314
92-18-1		
through		
92-18-7	Revoked	V. 21, p. 1307
92-19-2	Revoked	V. 21, p. 1311
92-19-2a	New	V. 21, p. 1311
92-19-5	Revoked	V. 21, p. 1997
92-19-5a	New	V. 21, p. 1997
92-19-6	Revoked	V. 21, p. 1312
92-19-6a	New	V. 21, p. 1312
92-19-22	Revoked	V. 21, p. 1998
92-19-22a	New	V. 21, p. 1998
92-19-22b	New	V. 21, p. 1999
92-19-23	Revoked	V. 21, p. 2000
92-19-23a	New	V. 21, p. 2000
92-19-35a	New	V. 21, p. 1312
92-19-50	Revoked	V. 21, p. 2000
92-19-55	Revoked	V. 21, p. 1313
92-19-55a	New	V. 21, p. 1313
92-19-57	Amended	V. 21, p. 2000
92-19-61	Revoked	V. 21, p. 1315
92-19-61a	New	V. 21, p. 1315
92-19-81	New	V. 21, p. 2001
92-19-82	New	V. 21, p. 1316
92-20-11	Revoked	V. 21, p. 1318
92-22-4	Amended	V. 21, p. 450
92-22-19	Revoked	V. 21, p. 450
92-22-22	Revoked	V. 21, p. 450
92-22-23	Amended	V. 21, p. 450
92-22-24	Revoked	V. 21, p. 450
92-22-25	Amended	V. 21, p. 450
92-22-33	New	V. 21, p. 450
92-22-34	New	V. 21, p. 450
92-23-10	Amended	V. 21, p. 180
92-23-15	Amended	V. 21, p. 180
92-23-16	Amended	V. 21, p. 180
92-23-17		
through		
92-23-23	New	V. 21, p. 181
92-23-25	New	V. 21, p. 181
92-23-30	New	V. 21, p. 181
92-23-31	New	V. 21, p. 182
92-23-38	Amended	V. 21, p. 182
92-23-38a	Amended	V. 21, p. 182
92-23-40	Amended	V. 21, p. 182
92-24-9		
through		
92-24-15	Amended	V. 21, p. 314, 315
92-24-18	Amended	V. 21, p. 315

92-24-22	Amended	V. 21, p. 316
92-24-24	Amended	V. 21, p. 316
92-51-21	Amended	V. 21, p. 2092
92-51-23	Amended	V. 21, p. 2092
92-51-24	Amended	V. 21, p. 2092
92-51-27	Amended	V. 21, p. 2092
92-51-34	Revoked	V. 21, p. 2093
92-51-38	Amended	V. 21, p. 2093
92-51-39	Amended	V. 21, p. 2093
92-51-41	Amended	V. 21, p. 2093
92-51-53	Amended	V. 21, p. 2093
92-51-56	Amended	V. 21, p. 2093
92-51-57	Revoked	V. 21, p. 2094
92-51-58	Revoked	V. 21, p. 2094
92-51-60	Revoked	V. 21, p. 2094
92-51-61	Revoked	V. 21, p. 2094
92-52-2	Revoked	V. 21, p. 2094
92-52-3	Amended	V. 21, p. 2094
92-52-8	Revoked	V. 21, p. 2094
92-52-11	Revoked	V. 21, p. 2094
92-56-1		
through		
92-56-5	Amended	V. 21, p. 1057-1059

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-1		
through		
94-2-18	Amended	V. 21, p. 703-708
94-2-19	New	V. 21, p. 708
94-2-20	New	V. 21, p. 708
94-3-1	Amended	V. 21, p. 709
94-3-2	Amended	V. 21, p. 709
94-4-1	New	V. 21, p. 710
94-4-2	New	V. 21, p. 710

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 21, p. 1131
100-11-1	Amended	V. 21, p. 1864
100-27-1	Amended	V. 21, p. 307
100-28a-1	Amended	V. 21, p. 1864
100-29-7	Amended	V. 21, p. 1864
100-49-4	Amended (T)	V. 21, p. 1131
100-49-4	Amended	V. 21, p. 1864
100-69-3	Amended	V. 21, p. 1864
100-69-9	Amended	V. 21, p. 1865
100-69-10	Amended	V. 21, p. 1865
100-69-11	Amended	V. 21, p. 1866

AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD

Reg. No.	Action	Register
102-2-3	Amended	V. 21, p. 237
102-2-4b	Amended	V. 21, p. 238
102-3-3a	Amended	V. 21, p. 1132
102-3-4a	Amended	V. 21, p. 1133
102-3-6a	Revoked	V. 21, p. 1134
102-3-12a	Amended	V. 21, p. 1134
102-3-17	New	V. 21, p. 1137

AGENCY 108: STATE EMPLOYEES
HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-2	Amended	V. 21, p. 1055
108-1-4	New	V. 21, p. 1366

AGENCY 109: BOARD OF
EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-5-1	Amended	V. 21, p. 1368
109-6-3	Amended	V. 21, p. 1369

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-2-4	Amended	V. 20, p. 1094
111-2-119		
through		
111-2-124	New	V. 20, p. 416-419
111-2-120	Amended	V. 20, p. 1094
111-2-124	Amended	V. 21, p. 590

111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-2-129	New	V. 20, p. 1343
111-2-130	New	V. 20, p. 1394
111-2-131	New	V. 20, p. 1778
111-2-132	New	V. 20, p. 1901
111-2-133	New	V. 20, p. 1901
111-2-134	New	V. 20, p. 1901
111-2-135	New	V. 21, p. 590
111-2-136	New	V. 21, p. 590
111-2-137	New	V. 21, p. 649
111-2-138	New	V. 21, p. 692
111-2-139	New	V. 21, p. 747
111-2-140	New	V. 21, p. 1521
111-2-141	New	V. 21, p. 1852
111-2-142	New	V. 21, p. 1852
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189
111-4-1448	Amended	V. 21, p. 1521
111-4-1795		
through		
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814		
through		
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825		
through		
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1344
111-4-1840		
through		
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845		
through		
111-4-1850	New	V. 20, p. 1189-1193
111-4-1849	Amended	V. 20, p. 1344
111-4-1851	New	V. 20, p. 1345
111-4-1852	New	V. 20, p. 1346
111-4-1853	New	V. 20, p. 1347
111-4-1854		
through		
111-4-1870	New	V. 20, p. 1395-1405
111-4-1864	Amended	V. 20, p. 1569
111-4-1866	Amended	V. 20, p. 1570
111-4-1867	Amended	V. 20, p. 1601
111-4-1869	Amended	V. 20, p. 1601
111-4-1871	New	V. 20, p. 1571
111-4-1872	New	V. 20, p. 1572
111-4-1873	New	V. 20, p. 1572
111-4-1874		
through		
111-4-1877	New	V. 20, p. 1779-1781
111-4-1877	Amended	V. 20, p. 1902
111-4-1878		
through		
111-4-1885	New	V. 20, p. 1902-1906
111-4-1886		
through		
111-4-1889	New	V. 21, p. 183-185
111-4-1890		
through		
111-4-1893	New	V. 21, p. 591-593
111-4-1894		
through		
111-4-1900	New	V. 21, p. 649-655
111-4-1894	Amended	V. 21, p. 1276
111-4-1901		
through		
111-4-1921	New	V. 21, p. 692-702
111-4-1910	Amended	V. 21, p. 747
111-4-1911	Amended	V. 21, p. 747
111-4-1913	Amended	V. 21, p. 748
111-4-1922	New	V. 21, p. 748
111-4-1923	New	V. 21, p. 749
111-4-1924		
through		
111-4-1932	New	V. 21, p. 1329-1337

(continued)

111-4-1929 Amended V. 21, p. 1522
 111-4-1933 through
 111-4-1938 New V. 21, p. 1523-1526
 111-4-1938 Amended V. 21, p. 1852
 111-4-1939 through
 111-4-1945 New V. 21, p. 1854-1857
 111-5-22 Amended V. 21, p. 1758
 111-5-23 Amended V. 21, p. 1858
 111-5-24 Amended V. 21, p. 1858
 111-5-26 Amended V. 21, p. 1859
 111-5-27 Amended V. 21, p. 1860
 111-5-28 Amended V. 21, p. 1860
 111-5-30 Amended V. 21, p. 1529
 111-5-32 Amended V. 21, p. 1861
 111-5-33 Amended V. 21, p. 1861
 111-5-78 Amended V. 21, p. 751
 111-5-79 through
 111-5-91 New V. 21, p. 1278-1281
 111-5-82 Amended V. 21, p. 1529
 111-5-83 Amended V. 21, p. 1529
 111-5-92 through
 111-5-98 New V. 21, p. 1339-1341
 111-5-96 Amended V. 21, p. 1530
 111-5-97 Amended V. 21, p. 1531
 111-6-5 Amended V. 21, p. 1531
 111-7-119 through
 111-7-127 Amended V. 21, p. 594-597
 111-7-123 Amended V. 21, p. 1531
 111-7-126 Amended V. 21, p. 1532
 111-7-134 Amended V. 20, p. 429
 111-7-152 Amended V. 20, p. 49
 111-7-158 through
 111-7-162 New V. 20, p. 577

111-7-159 Amended V. 20, p. 1101
 111-7-162 Amended V. 20, p. 944
 111-7-163 through
 111-7-170 New V. 20, p. 1101-1103
 111-7-165 Amended V. 20, p. 1194
 111-7-171 through
 111-7-175 New V. 20, p. 1782, 1783
 111-7-176 through
 111-7-180 New V. 21, p. 656, 657
 111-7-181 New V. 21, p. 1563
 111-7-182 through
 111-7-186 New V. 21, p. 1861-1862
 111-8-101 through
 111-8-126 New V. 20, p. 1573-1579
 111-9-111 New V. 20, p. 1406
 111-9-112 Amended V. 20, p. 1579
 111-9-113 Amended V. 21, p. 186
 111-9-114 New V. 21, p. 657
 111-9-115 New V. 21, p. 702
 111-9-116 New V. 21, p. 703
 111-9-117 New V. 21, p. 1533

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 21, p. 1557
115-2-2	Amended	V. 21, p. 1558
115-2-3	Amended	V. 21, p. 1558
115-2-6	Amended	V. 21, p. 451
115-4-4	Amended	V. 21, p. 452
115-5-1	Amended	V. 21, p. 1137
115-5-2	Amended	V. 21, p. 1138
115-5-3	Amended	V. 21, p. 1138
115-7-1	Amended	V. 21, p. 1558

115-7-2 Amended V. 21, p. 1559
 115-7-7 New V. 21, p. 1559
 115-9-4 Amended V. 21, p. 177
 115-11-1 Amended V. 21, p. 177
 115-11-2 Amended V. 21, p. 177
 115-13-3 Amended V. 21, p. 1560
 115-13-4 Amended V. 21, p. 1560
 115-16-5 New V. 21, p. 1138
 115-16-6 New V. 21, p. 1139
 115-17-6 through
 115-17-9 Amended V. 21, p. 1889, 1890
 115-17-11 Amended V. 21, p. 1561
 115-17-12 Amended V. 21, p. 1562
 115-17-13 Amended V. 21, p. 1562
 115-17-14 Amended V. 21, p. 1890
 115-18-7 Amended V. 21, p. 453
 115-18-13 Amended V. 21, p. 1562
 115-18-14 Amended V. 21, p. 1563
 115-20-2 Amended V. 21, p. 1891
 115-30-8 Amended V. 21, p. 1891

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-6-1	Amended	V. 21, p. 658
117-8-1	Amended	V. 21, p. 659

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-5-1 through		
118-5-10	New	V. 21, p. 1205-1208

AGENCY 126: UNMARKED BURIAL SITES PRESERVATION BOARD

Reg. No.	Action	Register
126-1-1	New	V. 21, p. 1792
126-1-2	New	V. 21, p. 1792